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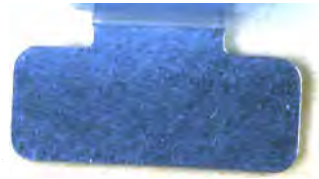

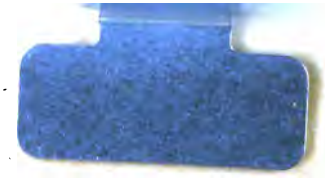

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Catholic Question.

SUBSTANCE

OF THE

SPEECH

OF

Sir J. C. HIPPISLEY, Bart.

ON THE MOTION OF

THE RIGHT HONORABLE HENRY GRATTAN,

IN THE

House of Commons

On the 24th April, 1812;

FOR A

COMMITTEE OF THE WHOLE HOUSE, ON THE STATE OF THE PENAL LAWS NOW IN FORCE AGAINST THE ROMAN CATHOLICS OF IRELAND.

"Whenever this great measure shall be adopted, let it not be one of "hasty and inconsiderate concession, on which the pressure of the "times shall stamp the character of weakness."——"Consider with "what measures it ought to be accompanied: what course of policy "is necessary to render its benefits effectual:—what safeguards "its adoption may require."—*Lord Grenville's Speech, 27th May* 1808.

WITH SUPPLEMENTARY NOTES, EXTRACTS, &c.

THE SECOND EDITION,

WITH CORRECTIONS AND ADDITIONS.

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It was originally proposed to have annexed to the following pages, a few short notes, in reference merely to some facts which had been inadvertently omitted in the course of the debate. Circumstances have since occurred, which may justify an extension of the notes, and particularly, in adverting to a recent publication, entitled "*the History of Ireland, from its union with Great Britain, to October 1810, by Francis Plowden, Esq. Printed in Dublin.*" Mr. Plowden has dedicated a large portion of his *third* volume, to what he stiles "*the Veto Controversy,*" and has made very considerable extracts from Sir J. H.'s parliamentary Speeches and Publications on this question, deducing inferences, unsupported by the facts, with strong animadversion on the conduct of some elevated characters, which cannot fail to be generative of great distrust in the minds of many of his readers.

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Notwithstanding the length to which the notes have been thus almost unavoidably extended, many facts have still been left unnoticed, which it would have been desirable to have stated, with observations:—and from the intention that they should be published previous to the debate on Mr. Canning's motion, the whole has been put together, with a degree of haste, ill suited to an object of so much importance.—

London, 19th June, 1812.

ERRATA, in "The Substance of the Speech."

Page 2. line 20. for Hereticos, read Hæreticos.
Page 3. line 9. for Mohillow, read Mohilow.
Page 23. line 23. for and, read as.
Page 30. note, dele 5 in Colliers.
Page 53. line 18. dele ?

SUMMARY

OF

SIR JOHN COX HIPPISLEY's SPEECH.

SIR J. C. Hippisley followed Dr. Duigenan, and observed that the sentiments expressed by the Right Honourable Gentleman (Dr. Duigenan,) were so much in opposition to his own, that he felt himself called upon to give some reply to them. He could assure the House that he was disposed to trespass upon their patience as little as possible, considering the extent and importance of the subject, and that it was not his intention to produce, as heretofore, voluminous documents in support of his own opinions.—His wish was principally to lead the attention of the house to that kind of investigation, which, in his apprehension, was best suited to repel those prejudices which might be considered in no small degree, as hereditary, and were probably aggravated by the statements of the Right Honourable Gentle-

man; and to endeavour to set the minds of others, as his own was, at rest, as to any dangerous consequences to be apprehended from further concessions to the petitioners, even to the full extent to which the argument of his Right Honourable friend who moved the question was disposed to carry them: provided such measures of concomitant legislation were adopted, as do, in fact, constitute a material feature of the state policy of every other nation, and have not been less in the view of our Catholic ancestors, than they ought to be in our own, at the present hour.

The Right Honourable and Learned Gentleman had again recurred to the pontifical oath, taken by bishops at their consecration, as pregnant, in his opinion, with every mischief, on account of the unqualified obedience sworn to the pope;---and he emphatically dwells on the words "*hereticos persequar et impugnabo*" as the pledge of ceaseless persecution.---He quotes Dr. Troy's pastoral letter of 1793, to substantiate his charge; but at length acknowledges, that the see of Rome did actually admit a qualification of those hostile words, at the instance of the Empress of Russia.---In this respect he has told the truth, but not the whole truth; for he

has omitted the most material fact, namely, that the very words he objects to, are also omitted, in the pontifical oath taken by the Roman Catholic bishops of Ireland, by the express authority of the see of Rome, and that the official notification, authorizing such omission, is given at length in the same pastoral letter of Dr. Troy, on which the Right Honourable Gentleman has grounded his charge. He ought in candour, to have told us, that, in 1791, the Roman Catholic bishops of Ireland addressed the see of Rome, representing the prejudices excited by a reference to the oath in question, at the same time expressing their own conviction, that the obedience sworn to by them was merely an abstract canonical obedience and perfectly consistent with the oath of allegiance to their sovereign. Concerning this oath nevertheless, and particularly as to the words "*hereticos persequar et impugnabo*" they requested an authoritative explanation from the see of Rome, which might tend to remove the prejudices which had been so industriously excited in the public mind, and they stated that this was the more important as they were then on the eve of an application to parliament to be relieved from the pressure of the penal laws,

The Right Honourable Gentleman might also have read in the same work, that on this application being made, the Pope directed the congregation *de Propaganda Fide* to be convened—a tribunal then consisting of a Cardinal, prefect, and twenty-two other Cardinals—and the result of their determination, sanctioned by the Pope, was immediately transmitted to the archbishops of Ireland. Much surprise appears to have been expressed by that tribunal, at the objections taken to the oath. The titular archbishops were reminded of the explanation formerly given of the same oath, by the late titular Archbishop Butler to similar objections raised by the bishop of Cloyne; and the strained persecuting construction of the words "*hereticos persequar*," &c. was therein pointedly disavowed by Rome. The official document contains also the memorable words to which Sir J. H. had more than once adverted in the House, namely, that "the *See of* "*Rome never taught that faith is not to be* "*kept with the heterodox; that an oath to kings* "*separated from Catholic communion, can be* "*violated, or that it is lawful for the bishop of* "*Rome to invade their temporal rights and do-* "*minions. We too (it adds) consider an attempt* "*against the life of kings and princes, even*

"*under the pretext of religion, as an horrid* "*and detestable crime.*"——It then proceeds to state the legitimate construction of the pontifical oath; but adds, that as that oath has been so grossly misrepresented, the Roman Catholic prelates in *Ireland*, are allowed in future to make use of the same form of oath as was directed to be taken by the Archbishop of *Mohillow*, in *Russia*, in which the words "*here-* "*ticos persequar et impugnabo,*" *are wholly omitted* by express authority of the Pope.——The oath thus substituted, concludes with this pointed declaration "*I will observe all these* "*things the more inviolably, as I am firmly* "*convinced that there is nothing contained in* "*them, which can be contrary to the fidelity I* "*owe to the most serene king of Great Britain* "*and Ireland, and to his successors to the* "*throne.*" Such is the oath as modified by order of the Pope himself in 1791; which the learned Doctor, in candour, ought to have stated to the House; the whole being contained in the pastoral letter of Dr. Troy, which has fallen so much under his animadversion.

Sir J. H. trusted that the House would permit him, on such an occasion, to be somewhat pointed in referring to a document of so much

importance to the question. He conceived it to be the duty of every member to afford the House such information as he could give on so weighty a subject, and he himself had not confined his opinions to the walls of the House. Upon a question involving great doubts, at least, in the minds of a considerable mass of the public, as proposing a departure from the state policy of our ancestors, he considered the public also to be intitled to the fullest information.

It had been stated of the petitioners that they amount to a population of four millions: granted;—such an enumeration leaves however a vast majority of the people opposed to them in religious communion, and deeply impressed, for the most part, with strong prejudices, not merely against the religious tenets of Catholics, but also questioning the integrity of their civil principles. To disabuse and counteract those prejudices, should be the object of every good subject who had the means in his power—acting in the letter and spirit of those wise admonitions of the legislature, which prescribe the important duty and advantage of connecting ourselves with our Catholic fellow-subjects by the ties of mutual interest and affection."

In this view also he had, on a former occasion, endeavoured to impress the House with a sense of the propriety, and, in his apprehension, even of the necessity of an examination of this subject, in a more satisfactory manner than could be effected by a committee of *the whole House*.—The standing orders of the House, on a question affecting "*religion*," enjoined indeed such a committee as the first step, but the next he would wish to adopt, and it would be in the recollection of the House, that he had repeatedly urged it, was the appointment of a *select committee* with the usual powers, wherein all the bearings of the existing laws upon the question might be adequately considered: those of our Catholic ancestors, not less than those subsequent to the reformation. In such a committee also the most important documents might be authenticated:—such as the reference to and answers of the six universities in 1789, and at former periods; the public declarations, addresses, remonstrances, &c. of the Catholics, avowing their tenets, on various occasions subsequent to the reformation; the acts likewise of general councils, as constructively bearing upon civil and social duties and temporal rights; and the interpretation of those acts, given in

the various class books of their professors and others, as taught in the several Catholic seminaries of education, and particularly in those existing in the united kingdom. Not least in view of such a committee should be that important document which the Right Honourable and Learned Gentleman has so surprisingly overlooked, and which comprehends in itself a most satisfactory answer to the calumnies heaped upon the see of Rome, on reference to the dispensing and deposing doctrines or tenets so continually imputed to her as injuriously affecting other states; keeping in mind, however, the essential distinction between the acts of individual popes, and those of the see of Rome, acting on the legitimate basis of her spiritual authority. In a committee of the whole House, assertion could only be repelled by assertion, with but little advantage to the question; but, in a select committee, documents, such as had been noticed, might be deliberately examined, and those which tended to throw most light on the subject, would necessarily be noticed in the report:—The constitution of the ecclesiastical government of the Catholics, with the relation it bears to a foreign jurisdiction, would necessarily form a material feature of such a report; and a reference to such authorities and illus-

trations as the committee, with its usual powers, could readily command, would enable them to collect a mass of evidence of the most material import, in forming an adequate judgment on such a question. Such a committee, as Sir J. H. had, in a former debate, observed, would necessarily obtain the aid of the most eminent municipal lawyers and civilians, not excepting the learned and Right Honorable Gentleman himself, and in another place, it might be aided also by all the information of the most enlightened prelates of the establishment. It seemed scarcely necessary to anticipate the advantages to be derived from the extensive circulation of the report of such a committee throughout the united kingdom—*preparatory to the ultimate measure of legislation.*

Sir J. H. observed, that he had omitted to notice an expression in the pontifical oath, which the Right Honorable Gentleman laid much stress upon, namely, the obligation of supporting "*the royalties of Saint Peter,*" as comprehended in the unqualified subjection sworn to the sovereign pontiff. Here also he would beg to refer the Right Honorable Gentleman to the same pastoral letter of Dr. Troy. He expressly avers the obligation to be purely a

canonical obedience, qualified with the saving cause of "*salvo meo ordine*"—which, in the construction of all those who take the oath, completely shields their civil allegiance; and if such be their own construction, as in fact it is, we have no right to interpose another. "*The royalties of St. Peter*" they consider merely with reference to the local patrimony of the see of Rome, and so all their schoolmen define it; but at any rate, the concluding clause of the substituted oath of 1791 which has been noticed, carries with it the solemn guarantee of Rome itself, for the allegiance due from the subject to his temporal sovereign, and particularly to the King of Great Britain.

Sir J. H. apologised for treading too closely on the steps of the Right Honorable Gentleman himself, in a tedious discussion of antiquated documents; but as the learned gentleman had thrown down the polemical gauntlet, and as it was essential to the question that it should be taken up by some one, he accepted the challenge. He would not, however, annoy the House with a detailed refutation of those allegations which had been made that night, respecting the councils of *Lateran*, of *Constance*, or of *Trent*. Fully aware, however, that those alle-

gations would be made, he had provided such documents as were best qualified to confute them; and although he determined to enter the House himself, unarmed with them, he had deposited them however at no greater distance than the Vote Office: and if the curiosity of any member should be excited to refer to them, he should regard it as a pleasing duty to assist him in the research. Some observations he would, nevertheless, venture to offer upon what had fallen from the Right Honorable Gentleman, although he was but too sensible that he must only repeat what he had stated on former occasions, on this subject. The 4th *Lateran* council was convened by one of the most ambitious popes that ever sat upon the pontifical throne, Innocent III. The Right Honorable Gentleman has truly stated that it was most numerously attended by the ambassadors or representatives of nearly all the sovereigns in Christendom, as well as by the ecclesiastical members of the council. From this country, in particular, a representative was sent to it. The *deposing* doctrine, so often and so justly reprobated, is inferred from the 3d Canon of that council; authorizing, as it is contended, the deposition of all heretical

princes, and the transfer of their dominions to others. It must be observed, nevertheless, that the two first canons only are of general obligation; being canons of doctrinal decision of faith, and as such enjoining the obedience of the whole church:—the rest are merely of discipline or regulation, and as such, requiring the canonical acceptation of churches and states, to give them validity. This is a principle universally acknowledged, and expressly taught by all the ecclesiastical jurists and schoolmen. In France the discipline of the council of Trent, was never canonically received: some of its detached regulations, as of useful adoption, have been sanctioned by the state at different periods, acting purely on its own authority; whilst others were wholly rejected, as incompatible with the independency of temporal dominion and of the rights of the Gallican church. These distinctions may perhaps appear of little interest; but they should be carried in memory, because they bear most materially upon this question. It is a matter of curiosity, at least, to observe how some catholic writers speak of this fourth Lateran council—*Matthew of Paris*, our countryman, a Benedictine monk, and a contemporary writer, speaks of its decisions not a little tauntingly: he considers the

council convened principally to get money, and observes that the Pope having accomplished his purpose, dissolved this "gainful council "and the clergy departed mournfully from it;" his words are "*papa jam acceptâ pecuniâ*, "*quæstuosum hoc concilium dissolvit*, GRATIS, "*totusque clerus abiit tristis.*"—*Platina*, another catholic writer, also states of this council, "that though much was proposed, nothing "was decreed—"*Venere multa quidem in con-* "*sultationem nec decerni quid quam potuit.*" In fact the authority of some of the canons of this council are much questioned by catholic writers and others, as *Dupin*, and the late catholic Bishop *Hay*, of Scotland, have observed; and this offensive one is rejected as spurious by father O'Leary. Innocent III. is represented by other writers, as well as Platina, as having produced those decrees in the council, but that they were never formally ratified by the council; and the nephew of *Innocent*, Gregory IX. always spoke of them as his uncle's canons. It is farther particularly stated of this *third* canon, that it never made its appearance till an hundred years after the date of the council. Be that as it may, it never was received, but on the contrary it has been rejected by every state in Europe, even when Rome was in the

zenith of her power, though individual pontiffs have often acted in the spirit of it, even anterior to the date of that council.—Of the other councils cited by the Right Honorable Gentleman, Sir J. H. said that having so often observed upon them, he would make no comment further than by saying, that the most satisfactory explanations might be found in all the class books of theology or ecclesiastical jurisprudence which are current in every seminary of Roman education.

In the speech of the Right Honorable Gentleman this night, though in some respects, more moderate than those anterior to it, he perseveres in rejecting the religion of Catholics, in itself, as a disqualification from exercising the civil offices of the state. He has not confined his sentiments to the walls of this House, but has repeatedly submitted them to the tribunal of the public. Sir J. H. observed that he was the less disposed to leave those publications unnoticed, as they had run through repeated editions, and at the present hour are of continual reference by writers of exalted name and character. In one of those works entituled "*an Examination of the Claims of the Roman Catholics*," he asserts that "the

" whole Romanists of Ireland had entered into " a conspiracy with the French Directory to " overturn the government."

In his speech of 1808, which is also before the public, and which Sir J. H. had on a former occasion noticed, he observes that every Catholic reasons thus " we are from conscience traitors, &c.—[Here Sir J. H. was interrupted by Dr. Duigenan who complained of being misrepresented and partially quoted]---Sir J. H. replied that he had not misquoted the publications of the Right Honorable Gentleman, nor were the passages quoted at all weakened by the context :---he had taken some pains to ascertain their authenticity by the avowal of the publishers, and he could answer for the correctness of what he had stated from the Right Honorable Gentleman's tracts and published speeches : he was nevertheless disposed to believe that the Right Honorable Gentleman, however mistaken in his opinions, was actuated by a sincere attachment to his country, and he knew that he enjoyed the esteem and friendship of many individual Catholics ; but if these be his real sentiments, how much are they at variance with the declarations of our recent statutes, in which Catholics are recognized " as good and

"loyal subjects?"—He however maintains this night, as well as in his publications, the impossibility of Catholics amalgamating with their Protestant fellow-subjects, and that the excess of their religious intolerance is the cause, that they regard every person who differs from them in religious communion, as "*doomed to* "*eternal damnation.*"—In one of his tracts the Right Honorable Gentleman indeed expressly states that the Irish Romanists look upon Irish Protestants, as only "*estrays from* "*Hell during their continuance on earth,*" and "*believe them to be the living agents of Sa-*"*tan*"—and that this is the doctrine propagated by the Roman Irish Clergy. Such is his commentary on the doctrine of *exclusive salvation* as taught in the church of Rome; and such a construction is, but too generally, thrown in the teeth of our Catholic fellow subjects. Candour however should direct us to turn to our own articles. Is not the 18th article of the church of England apparently no less exclusive of the *Jew* or the *Quaker*—and indeed of every sect not received into the church by *baptism*, than any creed of the Roman Catholics is; and can we forget that we hold the Athanasian as well as the Apostles' and Nicene creeds in common with the Catholic? But the Right Honorable Gentleman will say,—look at the com-

penalty upon our faith or title. The Catholic will reply, look to ours; and both should, no doubt, be regarded with scrupulous attention by the advocate of Christian charity. To enter into the detailed reasoning of schoolmen on this delicate question, was little suited to the time of the House; yet there is no imputation that presses more heavily upon the Catholic than this very charge of his *uncharitableness* towards all others who differ from him in religious tenets. It is in vain, says his opponent, to talk of being united in the "*bonds of affection*" with those holding such opposed opinions:—opinions which must ever be considered as having a practical and sinister operation in social life: in this view, therefore, our time would not be ill bestowed in referring to the construction of those whose authority is most respected in their schools and universities. To this end, he would name the treatises of *Hooke*, of *Bailly*, and of *De la Hogue*,—all of them great theologians and professors heretofore of the universities of Paris, and the latter now professor of divinity at *Maynooth*. He would name also the works of professor *Schrame*, a learned Benedictine Monk, compiled expressly for the universities of Germany, and sanctioned by the highest ecclesiastical authorities. The works

of those theologians have been long received as accredited class books in the public seminaries of Catholic education, in France and Germany, and also in Great Britain and Ireland. Having merely named these authors for the reference of such as were disposed to resort to their authority, Sir J. H. said he would more particularly notice a work republished about two years since in Ireland, under the countenance of the principal Roman Catholic clergy, the names of seven of their archbishops and bishops standing in the list of subscribers to it. *The title was* "*Charity and Truth, or Catholics not uncharitable in saying that none are saved out of the Catholic church.*"

The author, Dr. Hawarden, wrote about seventy years ago; he cites the first authorities of his church in confirmation of his own exposition. It is the *perversely wilful* opposer of the faith, as received by the Roman Catholic church, who in the judgment of that church is pronounced guilty of heresy: it is not the opposer of their communion from ignorance, that is so denounced. If the conviction of the mind sincerely resists the exposition of the principles of Roman communion, after a candid search for truth, where that resistance is involuntary, no well informed Catholic will pronounce

against him the formidable sentence of eternal exclusion from salvation. This tract cites the high testimony of *Saint Augustine* in support of this charitable construction. "If they" (says Saint Augustine) "who hold an opinion in itself "false and perverse, maintain it with no *per-* "*tinacious obstinacy;* if they have not been "misled by their own *presumptuous audacity,* "but have received their error from seduced or "lapsed parents; if they be serious and diligent "enquirers after truth, and manifest a dis- "position to yield to it, when found by "them, *such persons are on no account to be* "*set down as heretics.*" Sir J. H. said he would add nothing further on this point, as the high authority which St. Augustine holds with Catholic schoolmen, indeed little short of apostolical, is decisive upon the erroneous judgment formed by protestants as to the Roman Catholic construction of *exclusive salvation.* Herein, therefore, there is no rational bar opposed to the unity of the Catholic with the Protestant, in "affection, as well as interest." Interest may bind the unworthy to each other, but affection is the healthful shoot of worthy minds. It is our duty to clear away every obnoxious weed that can impede its growth, and none can be more obnoxious, in the present view, than the misconception now noticed: in a word,

the Roman Catholic church holds that every person is received within its pale by baptism, by whomsoever administered: "that involuntary "error is not exclusive: and that the church "has its *concealed* children in the sects *separate* "*from its unity.*"

Sir J. H. proceeded to notice some recent publications, particularly a series of letters in the Morning Post in the course of this last week under the signatures of a "*Real Whig*" and "*Melancthon,*" arraigning the civil integrity of Catholics, as holding the doctrine of *dispensing with oaths*, and *deposing sovereigns*: it was not just to the petitioners to pass by these revived though antiquated charges without notice. That many individual popes have held and have acted upon such principles is but too well substantiated; but it is contended by the Catholics that no general *council*, nor the *see of Rome*, properly recognized as such, *in cathedrâ*, ever declared such doctrines to be the doctrines of her church. When individual pontiffs originally acted in the spirit of such principles, they relied upon their temporal strength, chiefly derived from the aid of powerful states supporting them for their own purposes; but in latter times, when Pius V. fulminated his excommunication and deposition of Elizabeth, who among her subjects

were found obedient to his mandates?—A solitary individual, who affixed the impotent *bull* on the gates of the bishop of London's palace,—and, in consequence, paid the just forfeit of the law, while *Elizabeth* found herself surrounded with her Catholic subjects with arms in their hands, repelling the menaced invasion of the *Catholic Philip*. *Gregory* XIII. was indeed ashamed of the impotent rage of his predecessor, and declared his *bull*, as the subjects of Elizabeth had before interpreted it, a nugatory act. But assuredly the repeated declarations and renunciations upon oath, founded as they are on unquestionable Catholic principles, and most pre-eminently, the solemn official declaration of the *See* of *Rome* itself, in the late pontificate, in 1791, as has been already adverted to, supply the best answers to such imputations.

The dangerous assumption and encroachment of sovereign pontiffs are admitted then to have existed?—doubtless they have existed: and every state has, in its wisdom, thought it advisable to provide effectual barriers against them, —none more so than this kingdom in the days of our Catholic ancestors. The Catholic still seeks that security, in every foreign state of Europe; not less for the independence of his church than for the safety of his civil es-

establishment. Those wise provisions of our Catholic ancestors still exist on our statute books; sleeping indeed when the times call not for their application,—while our later provisions, enacted subsequent to the reformation, are virtually impracticable from their exaggerated and sanguinary penalties. Of the latter description is the statute of 13 Elizabeth still unrepealed, but defeating itself. In deference to this provident wisdom of our Catholic ancestors let us look back to the *constitutions of Clarendon*, the statutes of *Provisors*, of *Præmunire*, of *Mortmain*, and to *Magna Charta* itself. Let us act in the spirit of their wise policy, adapted to the circumstances of the times, and authorized by the corresponding vigilance of every state of Europe, whether Catholic or Protestant. Of this description also were the guards in contemplation concurrently with the measures projected at the period of the union with Ireland. Some of these measures had been very ill understood and industriously and wilfully misrepresented, particularly that noticed in the debate in 1808, on a question similar to that now before the House.

The House having manifested so much indulgence, Sir J. H. said he was disposed to pro-

fit by it, by adverting to some circumstances, (much blended indeed with his own conduct as an individual, yet so materially connected with the general policy of the present question,) that he would trust to a still further extension of that indulgence by adverting to them. His opinions possibly might differ from those of some of his parliamentary friends, as to the importance of the reservations of which he had been *uniformly* the advocate; they were nevertheless endeavouring to attain the same salutary ends, though by different means. Some of the petitioners perhaps, under the influence of misrepresentation, which was so predominant, might, in reference to those reservations, consider his view of the subject as prejudiced and even intolerant. But it was neither: he was only conscious of pursuing their best interests; and if he had not their praise, he was determined to deserve it. Invidious names had been assigned to measures which duly stated and understood, were, even on Catholic principles, unexceptionable. The "*veto*" was a name given to one, and was the repelling denomination of an "*inquisition*" to another; yet both those guards are considered as practical and healthful institutions by all Catholic, as well as Protestant Europe. "*Give a dog a bad name and hang him*," was a vulgar, but strictly applicable adage. That the proposed ratification of the Crown,

in the appointment of Roman Catholic Bishops, or, to give it the name of the day, the Veto, was "forced upon the Catholic prelacy of Ire- "land in the reign of terror," is a popular asser- tion. Nothing however was less true; and of its fallacy the Noble Viscount on the Treasury bench [Lord Castlereagh] would doubtless speak.

Sir J. H. said that he was not only in corre- spondence upon the subject of the Catholic ar- rangements respecting Ireland, at that period, with the Noble Viscount himself, and with many of the King's Ministers, but with some of the most considerable prelates of the Catholic church at home and abroad. The contem- plation of those arrangements was to be traced much further back than the year 1799. For in the year 1794 it formed the subject of cor- respondence from Rome, between himself, at that time residing there, and a Right Honorable Friend, then of his majesty's coun- cils, one of the brightest ornaments of that House, but now unfortunately no more. [Mr. Windham.] By a peculiar combination of circumstances Sir J. H. had possessed the con- fidence of the principal ministers of the Pon- tifical state, and had in consequence been indu- ced to undertake many public negotiations of

considerable importance, under the sanction of his Majesty's Government. His name indeed had never been honoured with a place on the civil list: he trusted, however, that the results of his efforts had not been less useful to his country.

He would further request the patience of the House to state the nature of a transaction, which though not one of those officially authorized, must yet be considered of great importance as applying to the scope and principle of this question, and evincing also great liberality on the part of the ministers of the Papal Government. It is well known that a number of young persons were educated in the three national colleges at Rome, for the purpose of exercising the mission of priests in this kingdom. The superiors of these colleges, having the entire direction of their education, being Italians, the national clergy were naturally anxious to procure a reform in favor of themselves, and applied to Sir J. H. to exert his influence in their behalf. The national prelates, of the Roman communion had, in vain, solicited this reform for a period of more than twenty years; the interest of the several cardinals, protectors, (for each nation has one,) who had the nomination of the superior of each college,

being obviously opposed to the wishes of the national clergy. Sir J. H. urged the reform on this principle, namely, that it was reasonable that the see of Rome should have every security in favor of the ecclesiastical education obtaining in those seminaries, while the state, in which the students were ultimately to exercise their spiritual functions, should be equally secured of their attachment to its civil institutions. Pius VI. admitted the solidity of this principle, and ultimately decreed that the national institutions should be surrendered to the direction of the national clergy. The succeeding troubles resulting from the incursion of the French, dispersed the members of those foundations altogether, and the reform was completely carried into effect in favor only of one of the national foundations before that dispersion.

It appeared desirable also that the precarious tenure of the apostolic vicars resident in Great Britain should give place to a class of prelates *independent of foreign controul.* The apostolic vicars were merely appointed "*ad sedis apos-*" "*tolicæ bene placitum,*" while bishops ordinaries could be removed only for canonical offences, canonically proved. As he had heretofore entered more fully into the reasons for supporting such a change in the internal discipline of

the ecclesiastical government of the Roman Catholics, in this part of the United Kingdom, he would now content himself by observing that this reform appeared equally agreeable to the Catholic clergy and laity, and in a state view, was highly beneficial in its principle. Sir J. H. obtained a declaration from the late Pope, as well as his principal ministers, that such a reform should be granted whenever it should be desired by our government; but it was observed, that if such alteration appeared merely as the spontaneous act of Rome, it would be exposed to misrepresentation. Such was the according disposition of Rome at that period; and for many other proofs, he had only to refer to facts which he had often stated in the House. It is the principle of these minor arrangements that should be kept steadily in view, in legislating on the more important question now before the House, and in which the Catholic and Protestant have a common and a deep interest. "Without justice to the Catholic," as an eminent prelate of the church of England, (Bishop Law) asserts, "there could be no security for the Protestant establishment:" nor is it less an act of justice to the Catholic, to secure his church from foreign encroachment, than to concede those civil privileges, for which he petitions the legislature, with security to the establishment.

Sir J. H. thought the present a fit occasion to advert to the extraordinary change which had taken place in the opinions of the vicar apostolic of the middle district, (Dr. Milner,) who had not spared the press in disseminating these opinions, with but little advantage to the cause of the petitioners before the House. The principle of an intercourse with the Crown, as an additional security for the civil integrity of those appointed to vacant sees of the Roman communion,—and the institution of practicable guards against the possible encroachment of the see of Rome, such as the provident wisdom of other states had instituted,—had been urged in a tract, supplementary to a speech on the motion of Mr. Fox, in 1805, and which, soon after that debate, had been pretty widely circulated. To the republication of that tract Dr. Milner had given the most marked approbation, even by defending it, in a series of letters, from the criticism of one of the periodical reviews of that day. From the opinions maintained in that tract Sir J. H. had never swerved. The principal securities against the encroachment of a foreign jurisdiction were therein distinctly stated, with the authorities which sanctioned them. One of the most prominent of those securities, has, in a pastoral address of Dr. Milner to the Roman Catholics of his district, been

qualified with the opprobrious epithets of "a new "inquisition, or a Star Chamber." This inquisition, nevertheless, as he terms it, constitutes a marked regulation in the municipal code of almost every Catholic, as well as Protestant state; and even in Spain, so late as in the year 1761, was strengthened, by extended powers, operating against that literally formidable *Inquisition* which has been justly held in terror and detestation throughout the world.

Sir J. H. then stated particularly the nature of those restraints from the encroachments of foreign jurisdictions, by referring to the rescripts of the Empress of Russia, of the Emperor of Germany, of the kings of Spain and Naples, and the ordinances of the governments of Tuscany, Venice, Milan, and other states. He also referred to the proceedings of the new government of France, which had, almost *verbatim*, adopted the institutions of the old *regime*:—although the Pope was prostrated to France, yet had it provided the same barriers against the possible encroachment of Rome, as if she had been in the plenitude of her power.

The principle of all these regulations was *domestic security from foreign encroachment.*

In Russia, soon after the imperial edict which created the episcopal see of *Mohilow* into an archbishoprick, and the Empress Catherine had appointed that archbishop, and a coadjutor bishop, with annual stipends, the late Pope, Pius VI. commissioned Cardinal Archetti expressly to invest the new archbishop with the *Pallium*, (the badge of his archiepiscopal dignity,) and also to consecrate the new Catholic church, which was done with great solemnity. Nevertheless, in that very edict, the reception of all bills and writings, from the Pope or in his name, was interdicted, except such as were on examination, permitted to be published within the empire, and no ecclesiastics of *foreign appointment* were permitted to enter the state. But these restrictions Sir J. H. observed, whether of protestant, schismatic, or Catholic States, that he had repeatedly noticed, and had adduced unquestionable documents in support of them. He now adverted to them merely to demonstrate that Dr. Milner's change of opinion was not authorized by any change of his own. For such were the institutions recorded in the tract of which Dr. Milner was once so warm an eulogist,—of which he had written a detailed defence,—of which, in the year 1806, a large

number of copies were transmitted to a metropolitan Roman Catholic prelate of Ireland, at his own request for distribution,—and of which the republication has been repeatedly called for, at the instance of some of the most eminent characters of the Irish Catholic prelacy, as well as by others, who, in that part of the united kingdom, are now the most forward in impugning the principles it inculcated.

It was then considered as "a *voto ragionato* "of the most reconciling nature, delivered by a "character of trust and weight, by one who "possessed alone the confidence entirely of "the highest orders of the (Catholic) teaching body, and of all those who are competent "to judge of Catholic affairs."—Such was the opinion pronounced upon it by one who solicited its republication, on the authority and in the name of a distinguished prelate.

There were many facts and circumstances, Sir J. H. observed, which ought to be very deliberately weighed, in order to enable parliament to form adequate provisions upon a question of this description, otherwise they would involve themselves in anomalies similar to those of the English act of 1791, which went through the House with a rapidity little suited

to permanent and salutary legislation. The unanimity which then prevailed in Parliament, was in fact injurious to its provisions; he had, in the tract just alluded to, spoken of some of those anomalies, and he should avail himself of a future occasion to speak of them more in detail.

Of the Irish act, which followed, in 1793, he should make a few remarks, as a Right Honorable Gentleman, who took a conspicuous part in that proceeding, was now in his place, and its history was not a little remarkable.—The oath which constitutes the *test*, in that act, was framed by that Learned Gentleman himself, in place of one of a more simple construction. The Learned Gentleman anticipated that his oath was calculated to meet general approbation, and the government assented to the change. A member of the Irish parliament (the late Mr. Forbes) objected to it "as ridi-"culous;" the Right Honorable Gentleman nevertheless maintained his ground. "The "Catholics," said he, "have published a "declaration as the ground of Protestant "confidence; they have been charged with "holding tenets injurious to the social com-"pact by which states exist: the belief

" that this charge was true, has been one " great reason for not entrusting them with " power; in their declaration, they deny the " charge; I am glad they do. I believe them " to be honest men, and therefore I desire they " will *swear* to the words of their own decla- " ration." Such was the opinion of the Right Honorable and Learned Gentleman, in 1793, of the estimation in which Catholics held the *sacred obligation of an oath.* Those who look back to this recorded declaration of the Right Honorable Gentleman, and to his memorable letter to the Right Hon. Mover of the present question, in 1797, whom he anticipated, " that " in the event of our union all rivalships and " jealousies between Protestants and Romanists " would cease for ever, and that it would not be " necessary to curb Romanists by any exclu- " sive laws whatever," must necessarily exclaim " *quantum mutatus ab illo !*"

With respect to the negative of the crown in the nomination of Roman Catholic prelates exercising their functions within the realm, Sir J. H. observed that he felt great reluctance in so frequently adverting to it; but the almost daily publications and the sinister influence of the misrepresentations on that subject, necessarily

pressed it forward. Of the temper of the times in which it was originally introduced, and of the correspondence he himself had held upon it at home and abroad, he had repeatedly spoken. He had been very desirous to verify the accuracy of those documents of which he was in possession, and particularly the resolutions of the Roman Catholic prelates in 1799; and to this end within a few days past had requested access to the original papers in the possession of the Noble Viscount, at that period the chief secretary of Ireland. From these he had the satisfaction to find that his former statements were in strict conformity to the circumstances which existed during the negociations which preceded the union. On the same basis of proposed arrangement, was the communication made to parliament in 1808. Unauthorized, certainly, it appears to have been, on the part of the Roman Catholic prelacy of Ireland; but so far supported on the authority of their agent Dr. Milner, that the Right Honourable Gentlemen who stated it to the House, considered themselves fully justified in holding out a measure to which they justly attached great weight. But though the communication of Dr. Milner was unauthorized,—was his conduct disavowed or even censured by

his constituents? Certainly not. On the contrary he had every reason to believe, for a considerable time posterior to the debate, that the full assent of the Catholic prelacy of Ireland, to that proposal, would be obtained in a general synod; and letters of thanks, though not specifically adverting to that proposition, were transmitted from Ireland to a Noble Lord and the Right Honourable Gentleman who were the movers of the question in either House of Parliament. The question was moved on the 25th and 27th of May 1808, nor was a murmur heard, from Ireland, against the proposition of the negative of the crown, till more than two months afterwards, when writers assuming the signatures of *Sarsfield*, *Laicus*, *Inimicus Veto*, &c. denounced the measure as pregnant with every evil that could befal the Catholic cause; and Mr. Clinch, a barrister, and deeply versed in scholastic divinity, entered the lists also, deprecating the adoption of such a concession on the part of the Catholic prelacy.

Sir J. H. said that it was with no small degree of surprize that he heard of the opposition of that gentleman, as he had been so recent and so warm an eulogist of a tract, printed in 1806, which pointedly recognized the utility of those measures, now so much reprobated, and which

recited the authorities by which they were supported in other states.

Was it possible to suppose that the four Catholic metropolitan prelates, and six ancient bishops of Ireland, could be so little interested in the security and integrity of their church, as to have themselves proposed a measure of so fatal a tendency as these writers contend?—But let us follow the dates of these synodical proceedings. In January 1799, the resolutions of the bishops, comprehending this arrangement, were presented to his Majesty's Government: in May 1808 the proposal was revived, though now admitted to be unauthorized, by their agent, also a Roman Catholic prelate: and in September 1808, a synod of the Roman Catholic prelacy was held in Dublin, when they declared that "*it was inexpedient to introduce any alteration in the canonical mode hitherto observed in the nomination of Irish Roman Catholic Bishops.*" It is a known fact that that synod was held principally to deliberate on the specific measure proposed by Dr. Milner, their agent, conformably to their resolutions of 1799: no condemnation of the measure itself nor of the act of Dr. Milner was expressed. Dr. Milner was continued in his agency, and the synod resolved that any alteration was then "*inexpedient, &c.*

"ject." To ascertain, more distinctly, the sentiments of the prelates on that vote, a letter was addressed to the Roman Catholic Primate of Ireland, Dr. O'Reilly, by Lord Southwell and Sir Edward Bellew, in reply to which the primate declared that "he was certain that in forming their "resolution the prelates did not mean to decide "that the admission of a veto, or negative on the "part of the crown, with the consent of the holy "see, would be contrary to the doctrine of the "church, or to any practice or usage essentially "connected with the Roman Catholic religion; "but that the concession might eventually be "attended with consequences dangerous to the "Roman Catholic religion; *but that such dan-*"*ger was of a temporary nature, resulting from* "*existing circumstances.*"

These "*existing circumstances*" were stated, in a variety of letters of the first authority, and in many addressed to himself (Sir J. H.), to be grounded on an apprehension formed in the minds of the prelates of the sinister influence of a hostile government; but that the subject being open to be taken into consideration at a more favorable moment, no change of opinion whatever was expressed in disfavor of the *principle* of the negative of the crown.

In February 1810 the Roman Catholic prelates again assembled at Dublin, and published seventeen resolutions: not one of them negatived the principle of the resolutions of 1799, though they strongly object to another measure, which was a very popular one with the majority of the second order of the clergy and of the laity, and was recommended for adoption by the Right Honorable mover of the question now before the House, in a similar motion in Parliament, in 1811, namely, that of *domestic nomination in an election by chapters.* The Bishops profess that "they seek nothing "beyond the mere integrity and safety of their "religion;" but unfortunately, under the influence of erroneous statements, they reprobate the fifth resolution of the English Catholics of the first of the same month; though conceived in the full spirit of their own resolutions, and they record their thanks to Dr. Milner for his *apostolical firmness* in opposing it!

It is a painful but a necessary duty for those who are ultimately to legislate on the question of Catholic claims, to follow the steps of these proceedings,—injurious in the highest degree to the cause of the petitioners, because engendering

distrust in the minds of many of their friends, and affording a latitude of triumph to their opponents. But how are we to reconcile this applauding vote with the fact? A Noble Lord of great consideration at this meeting of the English Catholics on the 2d Feb. 1810, put the question to Dr. Milner, whether he should sign the resolution, *and was answered in the affirmative.* It is a known fact also that the same prelate declared he should not oppose the signatures of any of the clergy of his district, he himself objecting in his character of agent of the Roman Catholic prelates of Ireland! What is therein his conduct that demands the exalted qualification of "apostolical firmness."

That the Catholic prelates founded this concluding resolution on representations extraneous of the fact is too evident, and cannot be sufficiently lamented. In the spirit of those misrepresentations, most of the later works of Dr. Milner are written, in which the old parliamentary supporters of the Catholics are accused of machinations to subvert the Roman Catholic religion, by requiring security for the religion of the establishment; and these charges have been reiterated, with so much industry of

misrepresentation and perversion of facts, as to have excited the most serious distrust and discontent in the minds of some of the best disposed Catholics, even to the length of producing public meetings to guard against visionary dangers. He would confidently look forward, with anxious expectation, to the period when all those misconstructions would give way to the force of truth and to the revival of that reciprocal confidence which alone can insure the successful termination of a cause in which the interests and indeed the honour of so many millions of our fellow subjects are so deeply involved.

It was well known, Sir J. H. observed, that himself had recently stood in a situation most flattering to his own feelings;—accredited as he had been by the whole Catholic Nobility of England, and a most respectable body of others professing the Roman communion, to urge their cause in parliament. No man could doubt of the successful termination of their cause; and he could not be insensible of the distinction of having his name coupled with the fame of an act which was to restore so meritorious a class of his fellow subjects to the full benefits of the constitution: yet as his conduct and opinions were not wholly in

unison with some of those honourable persons, as to the precise means of attaining the object, —and especially as his proposed measures had been so actively discredited by the misrepresentations to which he had alluded,—he had declined altogether the honorable trust which had so long been confided to him; and he wished rather that it should devolve upon one whose opinions had not been questioned as to the provisions of enactment most suitable to the cause, more especially with relation to the Catholics of Ireland, to whom his own opinions had been represented in a light very ill calculated to conciliate their confidence. Such was the answer he had given to a Noble Lord at the head of a deputation of Catholics, who had done him the honour to request him to revive their petition to parliament. He had the satisfaction to find that his motives for declining it, were approved; and that a Right Honorable Friend (Mr. Elliot) competent in every degree to acquit the trust with advantage, had since accepted it, and who, with himself, must feel no common interest in the cause, but would be impressed with equal reverence and emulation, when treading in the footsteps of the great character now unfortunately no more, (Mr. Windham,) who had been originally charged by the Roman Catholics of England as the advocate of their claims. It was indeed true that the whole of

the obloquy to which he had alluded had not fallen on himself. The most eminent characters, in either House of Parliament, had not escaped it; and the most unworthy motives had been attributed to the support they had so strenuously and unintermittingly given to the cause of the petitioners; till at length, distrust took place of confidence, and every step of their friends, on this side of the water, was from time to time marked with some inculpating declaration or resolution of the associated committees on the other side. Himself, however, was fully prepared to breast the full surge of popular obloquy, founded, as it was, on misrepresentation,—and to console himself with the conscientious discharge of his duty, not less to his fellow subjects of the Catholic communion, than of the establishment.

But though, in speaking of the misapprehensions of the committees of Irish Catholics, he had something to complain of, he felt it equally his duty to speak in their defence when the occasion offered. In a paper of that morning (the Morning Post) under the signature of *Russel*, "the Catholic committee and its "satellites," as they are contumeliously denominated, are accused of the publication and extensive circulation of *Ward's errata*, "the most in-

"famous work," as is stated, "ever print-
"ed." "and that its reappearance had given
"just cause of offence to protestants of all
"denominations."—Here Sir J. H. observed that he could in the most decided manner acquit the Catholic committee of the charge. The work in question was of a very antiquated date, and a bookseller considering, some time ago, that the question of Catholic claims might excite an active currency, naturally sought his own profit in the extended sale. The names indeed of many of the Roman Catholic clergy stand as subscribers, but not a single prelate of their church is of the number; and in a letter which he had himself received from the titular Archbishop of Dublin, Dr. Troy, he considers it a very *ill-tim ed* publication, and regretted much that it had appeared.—least of all was the Catholic committee to be accused of that publication.

Thus much of this charge; but in the same article, under the same signature, stands another charge, as little supported, but not less mischieviously directed against the Chancellors of the two universities, "whose principles are so loose, "(it states), that for the furtherance of party views, "the utmost indifference is shewn by them to "the fundamental principles of the constitu-"tion, and a total disregard to the feelings of

"the individuals they represent." Of the purity of Lord Grenville's conduct, in this respect, he should say nothing, in the presence of the Noble Lord on the bench near him, who was so nearly related to the high character thus traduced, nor was it necessary indeed that any thing should be said to repel a charge so unfounded. But of the Chancellor of the University of Cambridge he thought it incumbent upon him to say a few words. It was his good fortune, for many years, to be honoured with the friendship of that illustrious personage, and to be frequently in his society; but he could take upon himself to say that, to the present hour, he could form no opinion of his sentiments on this question, which had been so often agitated, and of which the implied support constitutes the offence in the apprehension of the writer of this article. It is possible that the illustrious personage may not have made up his mind fully upon the question, but least of all was he open to a charge of "disregard of the feelings of the individuals "he represented, or indifference to the funda-"mental principles of the constitution."—The constitution in church and state had not a warmer friend, and this assertion he was persuaded would be assented to by the applauding voice of the House.

With respect to the universities themselves, Sir J. H. regretted that their proceedings with relation to the present question had not originated at an earlier period, and consequently been more decorously adopted. Disapproving the object and conceiving it to be, as they profess, of an injurious tendency, they might naturally be expected to manifest that disapprobation in the constitutional mode they had adopted; but surely the universities would have consulted their own dignity if they had proceeded with less precipitation. In both universities that precipitation has been but too evident, though not equally so in each. It is a known fact that the Right Rev. Master of the most considerable College in the University of Cambridge, though resident on the spot, was not apprised of the proposed act of the senate, until the day immediately preceding that upon which the address was voted.

That the apprehensions of many members of those learned bodies had been greatly excited in disfavor of the object of the petitioners was but too evident, and the effects also of those apprehensions had extended very widely. Diocesan charges of some prelates of the establishment, discourses from the pulpit, and

the daily emanations from the press, adverse to their cause, have all contributed to keep alive the influence of antiquated prejudices, though resisted by other prelates and divines of the most eminent talents and learning, whose attachment to the national church was above suspicion. Much however as that influence, in the extent of its operation, was to be lamented, it certainly ought so far to be respected as to prompt us to direct every effort to inform the judgment of those who have viewed the question through the prejudices of so many centuries,—and, at any rate, to avoid precipitation in a measure which involves so considerable a departure from the policy of our ancestors. No man could look forward more confidently than himself did, to those constitutional benefits the state would derive from ultimate concessions; but no man could deprecate those concessions, more than himself, if unaccompanied with such securities as might satisfy the minds of the most timid, in a rational view of their nature and extent.

When the question is roundly and concisely put, and the answer given, that a repeal of every act of restriction, with unlimited concession,

is that which is demanded; alarm is naturally excited, and we are disposed to ask—whether the petitioners really mean that no barriers should be opposed to the possible encroachment of a foreign jurisdiction? From the period of the conquest, at least, our Catholic ancestors did think it incumbent upon them to provide such guards; and such has invariably been the course adopted by every other state. No rational objection could, in a dispassionate view, be made against placing the Catholic subject on the same footing as he stood, anterior to the reformation, with respect to every essential civil privilege, and reserving to the state that unquestionable security for its establishment, which it never can consistently relinquish.

It is a matter of interesting and even entertaining research to look back to the pages of our own history as connected with this subject; when our Catholic ancestors, animated with the jealous spirit of enlightened patriotism, secured their freedom, by raising at once a barrier against the encroachments of the crown and of the *tiara*. Nor indeed, were the sovereigns of those days (with very few exceptions) more disposed to submit themselves to the papal yoke, than their descendants of the present hour.

The historian of William the Conqueror

records his resistance against the assumption of Gregory VII.—the most enterprising of the ancient pontiffs, in extending the temporal influence of the see of Rome,—who, with the demand of what is termed Peter-Pence, insisted also upon homage for the crown of England. The answer of *William* is on record. "Of these "demands," says he; "one I have granted; "the other refused: homage I would not, nor "will I do; for I did not promise it myself, nor "can I learn that it was ever done by my "predecessors."

A requisition was also made of Edward the first by Pope Boniface VIII. that he should desist from his expedition against Scotland, as the Pope claimed it as a fief of the church; the king submitted the papal demands to the English Barons, who resisted the interference of the Pope with the stout independence of the true English character. "Our Lord the King "(say they to the Pope) shall not plead before "you, nor submit to any trial or enquiry, or "send messengers to your court; especially "as such proceedings would be in manifest "disinherison of the rights of the crown of Eng-"land and the royal dignity; the evident "subversion of the sovereignty of the kingdom, "and the prejudice of the liberties, customs "and laws, which we have inherited from our

"fathers; to the observance and defence of "which we are bound by our oaths, and, with "the assistance of God, will defend, with all "our strength."—Such was the language held by English Catholics to a Pope, when papal influence was in its zenith.

We find also that William of Gainsborough, Bishop of Worcester, in 1309, was fined a thousand marks by the king for receiving a bulle of institution from the Pope, which committed to him the charge of the *temporalities* as well as the spiritualities of his bishopric, and was compelled publicly to renounce the obnoxious clause, and to declare that he held the temporalities of none but the king.

The memorable circumstances, attendant on the promotion of Cardinal *Adrian*, by Henry VII. to the bishopric of *Bath* and *Wells*, are not to be passed over in this part of the inquiry. The cardinal was then at Rome, and the King named the Bishop of Worcester, the Dean of St. Paul's, and Hugh Young, professor of divinity, to receive from the cardinal an abjuration of every pretension of the Pope that could constructively militate against the prerogatives of the crown, or the independence

of the state.—"I renounce (says he) all and "every word, clause and sentence in the "apostolic bulles directed to me concerning "my aforesaid bishopric, which are prejudicial "to my sovereign lord the king, or his heirs, "or the rights, customs and prerogatives of "the kingdom." This oath was administered to the Cardinal at the very foot, as it may be said, of the pontifical throne.*

* The preceding instances will be found, with many others, in a valuable collection of documents by the Rev. J. Lingard. Mr. Lingard concludes his head of collections anterior to the reformation, with this pertinent remark.—— "But, if even *then*, such were the sentiments of our Catholic "ancestors, it must betray an excess of caution to fear, lest "at *the present day*, when the papal power in temporals, is "annihilated, and when the nature of civil and religious "authority is so well understood, Catholics of the united "kingdom should renounce the opinions of their ancestors, "and conspire to lay the liberties of their country at the feet "of a foreign, and, in all probability, a dependant prelate." The Catholics of the present day are not suspected to be wanting of the best feelings of their ancestors; but if our present constitution be countenanced by the practice of almost every modern state, in retaining and even strengthening the barriers against papal usurpation, Mr. Lingard's patriotic mind will readily admit that the casual dependant condition of the present pontiff will not supply a justifiable security for neglecting precautions against the possibility of usurpation.

The authorities supporting these recited facts are to be found in the works of Selden, Burnet, and Colliers.

Sir J. H. then adverted to various documents recognizing the antiquity of Catholic allegiance subsequent to the reformation, referring to Dodd's History of the Church and other authors. He also noticed the adverse opinions of prelates of the establishment; those of Bishop Barrington, of Bishop Sparke, and of Bishop Huntingford, and opposed to them the contrasted sentiments of Bishop Watson, of Bishop Horsley, of Bishop Law, and of Bishop Bathurst, who in their speeches in Parliament, or in charges to their clergy, had borne the most honorable testimony to Catholic loyalty, and most of them contended in favour of their admission to the full benefits of the constitution. The speeches of Bishop Bathurst in 1808 and 1811 were of particular interest: in the latter speech that liberal prelate had referred to the interesting correspondence between Archbishop Wake, and the Ecclesiastical historian Dupin. The attachment of the Archbishop to the church of England, had been never questioned, (as Bishop Bathurst observed,) yet he shrinks not from the candid exposition of his correspondent in stating the doctrines and discipline of the church of Rome, still less does he arraign her doctrines as pregnant with "idolatry, and blasphemy, and

" sacrilege;" nor the Catholics themselves " who hold the confession of the council of " Trent, as enemies of all laws, divine and " human, and such as should be excluded " or driven from our courts and our armies!"

While modern publications are industrious in propagating opinions so injurious to such a vast mass of our fellow subjects, comprehending not less than a fourth of the population of the United Kingdom, Sir J. H. said he felt it his duty on the present, as he had also on a former occasion, to oppose to them the opinions of other prelates, not less eminent for their talents and devotion to the interests of the establishment. Indeed, so little influenced by such prejudices was Archbishop Wake, that he scruples not to avow in that correspondence with Monsieur Dupin, that " in the doctrine " of the church of Rome, as explained by him, " there was no great difference of opinion be- " tween them;—still less as to ecclesiastical " discipline, and in *fundamental principles*, whe- " ther of doctrine or discipline, they scarcely " differed at all," or, in his own words—" In " dogmatibus, prout à te candidè proponuntur, " non admodum dissentimus; in regimine

" ecclesiastica, minus; in *fundamentalibus* " seu doctrinam, seu disciplinam spectes, vix " omnino."

Such was the opinion, gravely and deliberately expressed, by one of the soundest of our theologians, and one of the brightest ornaments of our church; but what is of more importance for parliament and the public to ascertain, in the present view of the question, is the real state of Catholic principles, as applicable to the integrity of their allegiance,—and whether the declarations so repeatedly made by Catholics, be, in fact, strictly conformable to the tenets of the doctrine, and essential discipline of their church.

But, says the Catholic—we abjure, on oath, all those obnoxious tenets which are imputed to us?—The answer will probably be given, as it has been but too often given—" Yes, you " swear indeed, but the dispensing power, *in the* " *estimation of your church* will relieve you " from the *moral* responsibility of your oath!" Such, however, he was persuaded, would not, nor could be the answer; if that body of evidence were to be laid before the public, which would unquestionably appear on the report of such a com-

mittee, as he had so often pressed upon the consideration of the house, namely, a *select* committee, constituted with the usual powers of investigation. Such a report would shew the basis on which parliament proposed to legislate. How often, and how beneficially are such elucidatory reports circulated for the like purpose, even upon ordinary occasions? And where can there be found an object so seriously demanding such an exposition, under all the circumstances, as that great object, at present, before the House. It involves, he repeated, a striking and material departure from a policy which has been the received policy for ages, and the negative side of the question, it must be admitted, is in unison with our earliest prejudices—prejudices sincerely admitted, and with difficulty to be eradicated. The mere act of legislation, however great the parliamentary majorities with which it might be carried, would still be comparatively unsubstantial, till hailed by the according public voice, enfranchised from its prejudices. The human mind is not so readily liberalized as civil franchises can be extended by the mere act of legislation. The Catholic would soon see and impressively feel the justice and prudence attached to such an intervening course as that proposed. At

every step, his political character would brighten, and every hour would give new strength to his cause. In a word, he would become convinced that the great object in view was cordially to bind the Catholic to the member of the establishment, by the reciprocal "ties of affection" as well as "of interest,"—Ties, such as the legislature had recognized to be the paramount principle in the laws hitherto modified or abrogated on this subject:—And in the full spirit of that principle Sir J. H. said it was that he should give his most cordial assent to the preliminary and necessary step, comprehended in the motion of his Right Honorable Friend.

THE END.

W. Flint, Printer, Old Bailey, London.

NOTES.

(P. 2.) "*Hæreticos persequar et impugnabo.*"

IN vain have Catholics protested against the interpretation which their opponents insist upon giving to this passage of the *Pontifical Oath*.—We have seen that Rome, yielding to the prejudice, has withdrawn it altogether as well with respect to the Catholic Bishops in the Russian dominions, as to those of Ireland.—But, in candour, let us also examine, how far the original Pontifical Oath is countenanced, in this respect, by the words of the Coronation Oath of the Kings of Scotland, which was taken by King William and Queen Mary.

"We, *William* and *Mary*, King and Queen of *Scot-*
"*land*, faithfully promise and swear, &c. &c. to main-
"tain the true Religion of Christ Jesus, now received
"and preached within the realm of Scotland, and shall
"abolish and gain-stand all *false religion* contrary to
"the same, &c."——"We shall be careful to ROOT
"OUT ALL HERETICS AND ENEMIES TO THE TRUE
"WORSHIP OF GOD, that shall be convicted by the true
"Kirk of God of the aforesaid crimes, out of our lands
"and empire of Scotland, &c."——Such is the Oath.

On a reference to *Steuart's of Purdovans* Collections, 1802, we find (Book iii. Table 2. of Papists, &c.) "that
"our Sovereigns, by their Coronation Oath, *are to root*
"*out all Heretics*," (as in the recited Oath) "*which*
"*only binds them, at least, chiefly, to execute the laws*
"*against Papists, who are declared common enemies to*
"*all Protestant States.*" (Jas. vi. Part 16 and 18.)

Again, "The severity of our laws against Papists will "be further justified, if we consider, that *by the law of* "*God idolaters were put to death,* (Deut. xvii.) and "*agreeable thereto Popish idolaters are to be punished* "*with death.*" (By the 104 Act, Par. vii. Ja. 6, &c.)*

We find, however, that King William recoiled at the letter of his Oath, when he came to the clause, "*to root* "*out all Heretics.*"——The commissioners quieted his conscience, by leaving it to his own construction; and the King took the Oath *in his own sense of it*, however opposed to the letter of the law which enjoined it. Catholics have claimed the same indulgence for their Pontifical Oath, (and with more reason if we take Purdevan's com-

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* *Extracts of the Confession of Faith, subscribed by the King's Majesty and his Household in the year* 1580—*then by persons of all ranks in* 1581—*again in* 1590—*approved by the General Assembly in* 1638 *and* 1639—*and subscribed by Charles II. at Sevin,* 1651.

[*Confession of Faith, &c.—Glasgow,* 1755.

"Likewise many acts of parliament, &c. to that; and they "ordain all Papists and Priests to be punished with manifold "civil and ecclesiastical pains, as adversaries to God's true "religion."

Act 24 Parl. 11 King James VI.

"As common enemies to all Christian government."

Act 18 Parl. 16 King James VI.

"*Observing festival days of Saints.*"

Act 104 Parl. 7 King James I.

"And they shall be careful to *root out of their empire all* "*heretics and enemies to the true Kirk of God,* &c."—"Which was also observed by his Majesty at his coronation in Edinburgh, 1633, as may be seen in the Order of the Coronation."

struction of the Scotch Oath); but they have not been allowed it.

So were King William and Queen Mary constrained to take Oaths recognizing the Established Religions of both England and Scotland to be *each, distinctively, the true Protestant Religion, though opposed to each other in doctrine and discipline.* To those who wish to examine further into the subject, we recommend Steuart's of Putdovans Collections, 1802, and the admirable History of Scotland by Malcolm Laing, Esq. M. P.

In turning over the pages of the latter work, the horrid perfidy manifested in the massacre of the clan of *Glencoe*, and the deliberate murder of the fanatical preacher Mitchell, at the instance of Archbishop Sharp, with the prostitution of all the forms of justice, and in violation of every principle of honour and public faith,—will leave the Protestant, of that day, but little ground of triumph over the bigoted fury of *Catherine of Medicis and her misled son!* The *massacre of St. Bartholomew* is nevertheless, *at this hour*, held up *as an awful warning, and inscribed to the memory of Mr. Perceval, whose fate is assimilated to that of Coligny!*— Such is the object of a pamphlet under the title of "*The Awful Warning*," now presented to the public to revive the yell against our Catholic fellow-subjects; and, still more to inflame the mind, the pamphlet is interspersed with prints, heightening the horrors of the scene!

In this race of calumny, the Catholic is naturally prompted to revive imputations and charges against the Protestant, to counterbalance the weight of obloquy! —Mr. Plowden, in his History of the Reign of George I. published in 1809, asserts, that in the Viceroyalty of the Duke of Grafton in 1723, at a period when Ireland was in a state of such tranquillity as to justify the withdrawing of six regiments for the purpose of giving additional se-

curity to England, his Grace thought it advisable, "for "the further strengthening the Prelates' interest, as it "was assigned, to give his warm support to a bill with a "clause *for castrating every Catholic Clergyman that "should be found within the realm*. The bill, thus sur-"charged with gothic barbarism (Mr. Plowden observes) "was presented on the 15th of November, 1723, to the "Lord Lieutenant, by the Commons, at the Castle, and "they most earnestly requested his Grace "*to recommend "the same in the most effectual manner to his Majesty.*"— "It was transmitted to England, and, for the honour of "humanity, there suppressed with becoming indigna-"tion. The Lord Lieutenant, however, in proroguing "the Parliament, consoled them for the loss of their "favourite bill, by attributing its failure to their having "brought it in at so advanced a period of the sessions."— Mr. Plowden, in a note, says, that "some historians attri-"bute the failure of the bill to the humane interposition "of Cardinal Fleury with Mr. Walpole; yet surely "there needed," he adds, "no Gallic interference to the "damnation of a law of such savage turpitude."

This occurrence is given on the authority of Mr. Plowden (vol. ii. p. 78.). If verified, it may serve as a caution to the modern rivals of *Oates* and *Bedloe* in anti-catholic persecution, and may prompt us to discipline our minds in the cultivation of those salutary injunctions of modern legislation, which recognise "*the uniform "peaceable behaviour* (of the Roman Catholics of Ire-"land) *for a long series of years*," and declare, in the spirit of a wise and liberal policy, that "*to promote the "prosperity and strength of his Majesty's dominions, "subjects of all denominations should be bound to each "other by mutual interest and affection.*"

(P. 7.), *" The most important documents might " be authenticated—such as the reference to and " answers of the Six Universities in 1789, &c."*

In the course of the Debate on Mr. Grattan's Motion in the last session, Sir J. H. observed that Dr. Duigenan, in a recent publication, had rested the authenticity of these answers *" on the authority of Dr. Hussey."* Sir J. H. in the course of his speech, produced, in the house, the *originals of the answers of all the Universities*, authenticated by the signatures of the proper officers, and those of the Universities of Spain, sanctioned by the immediate authority of the King of Spain. They were also verified by the signatures of two of the Roman Catholic Prelates now in England, who procured the answers of the College of *Douay*; and the whole proceedings are also attested by the surviving Members of the Committee, who attended the conferences with Mr. Pitt, and authorised the questions to be transmitted to the Universities at his instance. Dr. Hussey was not employed in procuring those answers.

The answer of the Faculty of Divinity at Paris, in the year 1775, to the consultation proposed to them on the subject of *the Oath*, is not less important, and ought to be verified in the proceedings of such a Committee, as well as many other similar documents.

(P. 17.) *" To this end he would name the Trea- " tises of* HOOKE, *of* BAILLY, *and of* DE LA " HOGUE; *also the Works of Professor* SCHRAM."

The object, in enumerating these authors, was to suggest the best means to ascertain Catholic principles, by such works of the most accredited Theological and Eccle-

standard Jurists, as are received, as class books, in their Universities and other public seminaries of education. Those above named are pre-eminent among their class books. The valuable Institutes of *Hooke* are now out of print, and scarce. He wrote and taught as a professor of the *Sorbonne*. *Bailly* was also a professor of the Sorbonne. His "*Tractatus de Ecclesiâ, ad usum Seminariorum*," printed at *Dijon* in 1783, is of great authority. Since that period he has published a new edition, and has necessarily introduced some articles adapted to the present constitution of the Church of France. The edition of 1783 was published under the official approbation of Professor *De la Hogue*, of the Sorbonne, and at that time *Censor*. The "*Tractatus de Ecclesiâ*," of Professor *De la Hogue* himself, is such as was taught by him in the University of Paris, and is now the class book, in Theology, of the College of *Maynooth*, where M. De la Hogue is *Professor*. *Mr. Foster* *, in his late interesting speech in Parliament, complains, "that though the College of *Maynooth* has subsisted for *seventeen* years, he had never met with any person who could ever inform him of the *course of studies actually pursued*; that the lectures are read from *manuscript* courses," &c. *Mr.* Foster seems not aware that Professor *De la Hogue*, in 1809, published *three volumes*, comprehending the

* Mr. Foster is also mistaken in calling *William Allen* the founder of the College of *Douay*. He supposes him to be the founder of an *Irish College*. The Roman Catholic Clergy of Ireland were not educated in that College, nor in any other seminaries that sprang from it. He is also mistaken, in contending that *the banished Jesuits of England* resorted, in the first instance, to the College of *Douay*; for at that time *no Jesuits had been in England*. Attendance to Dodd's History and Particulars of the Seminary Guests, will correct these mistakes in a most able and interesting speech.

course of *theological studies*, which embrace also the whole ecclesiastical polity of the Church of Rome. His works are, "*De Religione*," "*De Sacramentis*," and "*De Ecclesiâ Christi*:" the latter, comprehending a Treatise on *General Councils*, which was referred to, with the book in his hand, by the late Chancellor of the Exchequer, on the debate on Mr. Grattan's motion. And here it may be necessary to mention the circumstance under which Mr. Perceval introduced his observations, which was, by reading the title of Section p. 166, viz. "*Concilia, convocatione et celebratione generalia, sunt infallibilia.*" Sir J. H. thereupon, calling across the House to Mr. Perceval, "infallibility in *doctrine only*"—Mr. Perceval, with some air of triumph, turned to the last page of Professor *De la Hogue's* Tract, and quoted, speaking of the Council of *Trent*, "*Itaque maximo in pretio illud consilium habere debent omnes Clerici, cum ratione dogmatum sit veluti omnium precedentium Synodorum compendium, et ratione* DISCIPLINÆ *merito dici possit manuale sacerdotium, vel eorum qui sacerdotio sunt initiandi.*"

After Mr. Perceval had sat down, Sir J. H. stated to him the error of his inference, as he took it, which extended to the *whole discipline* of every General Council, and pointed out to him the chapter, "*De decretis conciliorum, quæ adversus independentem Regum potestatem objiciuntur.*" In that chapter the Councils of *Lateran*, *Constance*, and *Trent*, are particularly discussed, and the same conclusion drawn, as in the answers of the six Universities, on every point affecting the *independence of civil government*. And in a prior chapter, "*circa decreta conciliorum*," M. De la Hogue quotes the great authority of *Bossuet*: "*Non docent Catholici, quæcunque gesta sunt in conciliis, ea ad Ecclesiæ* FIDEM *pertinere:*" and also, "*Multa etiam sunt decreta quæ non pertinent ad invaria-*

fidem fidei regulam, sed sunt accommodata temporibus atque negotiis".*"

Such is the authority of *Bossuet, Bishop of Meaux*. Mr. Perceval, on this exposition, very candidly confessed the error of his hasty reference. It is well known that the *discipline* of the Council of *Trent* was never received in *France*, nor in several other States, except *partially*, by the express authority of the civil power; rejecting all

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* "Concilium Tridentenum omnes nationes Catholicæ, "*quoad Canones et Dogmata Fidei, non vero quoad regulas morum et disciplinæ*, acceptarunt.

"Conc. Trident. per omnia non satis clarum est, *sexcentæque sunt lites de vero* definitionum sensu in Theologos, et "*de jure Trident.* inter Canonistas.

"Plures Historiam Conc. Trident. sed parum sincere scripserunt; uti *Paulus Sarpi, Sleidanus*, etc. Primas inter certeras refert Historia Palavicini, licet non desint, qui atque nunc numeris omnibus absolutam esse dicant, id potissimum causantis, *quod genuina acta hujus Concilii in Archerio Romano asservata studiosissime occultentur*. Quod an verum sit, nostrum non est inquirere. Collectio Conciliorum optima est "*Coleti*, cum Supplemento D. Mansi."

[Ex P. Dom. Schram, Benedictini Ranthensis.—Inst. Theol. *Augustæ*, 1774.

"Conc. Trident. summo omnium Ecclesiorum plausu, in iis quæ *ad Fidem* spectant, receptum est. Quantum ad Canones, *ad disciplinam* spectantes, et iis permulti, ita præscribentibus Episcopis, in usu sunt apud Gallos. Plures tamen ex illis, apud nos, *non fuerunt recepti*."

[D. Ludovic. Bailly Tractatus Theolog. Dogmat. &c. & ad Usum Seminariorum. Divione, 1783.

Authorities to the same effect may be collected from every writer on the subject of *General Councils*.

such decrees as were considered as trenching, in the least, on the civil authority. But this question has been sufficiently discussed elsewhere, to satisfy the most jealous mind disposed to take the trouble of inquiry. England has adopted the provisions of the Marriage-Act from the Council of Trent; and in Ireland six dioceses reject the decree concerning Clandestine Marriages, while all the other dioceses adopt it, with such other *parts* of the discipline of the Council of Trent as are conformable to the obligations of the *Oath of Allegiance*, and *no other*. M. De la Hogue, in holding out the *Decrees* of discipline of the Council of Trent, has reserved only such as are in perfect unison with that oath, as may be satisfactorily collected from the perusal of his *whole* Tract; and candour protests against conclusions drawn from partial references.

The "*Institutiones Juris Ecclesiastici*," of Professor *Schram*, were published at Augsbourg, in three volumes, in 1774, for the use of the Catholic Universities of Germany, under the approbation of the Electoral Archbishop of *Treves*. No Tract is of more useful reference in the discussion of this question, and none can be more successfully opposed to all the over-strained inferences in opposition to the due interference of the civil power.

A reference also to the German Publicists who have written on the stipulations of the "*Transaction of Passau*," the "*Peace of Religion*," and, also, the "*Treaty of Osnabrug*," (forming *part of the Treaty of Westphalia*), will confirm the soundness of the principle contended for by those who are the advocates for regulations on the basis, though not precisely in the words, of the resolutions of the Irish Prelates in 1799. We know that *Innocent X.* in 1649, protested, by a Pontifical Bull, against the ecclesiastical stipulations of the Treaty of *Osnabrug*. We also know that none of the States of

Germany paid any attention to that Bull, and that the Catholic States, nevertheless, remained in perfect communion with Rome.

(P. 21.) "*The solemn, official declaration of* "*the See of Rome itself, in the last Pontificate* "*in* 1791, *which has been already adverted to,* "*supplies the best answer to such imputations.*"

This declaration was made, as we have seen, in answer to the application of the Irish Bishops on the subject of the Pontifical Oath. Mr. Perceval was of opinion that the saving clause, "*salvo meo ordine,*" did not sufficiently cover the allegiance of the subject. The Catholic Bishops think otherwise: and we may here refer to the construction of Father O'Leary; a character deservedly respected for his loyalty as well as his learning; and whose merits had been repeatedly recognised in the Irish Parliament. In the defence of his conduct and writings, in answer to the Bishop of Cloyne's objections drawn from the *Consecration Oath*, he says: "In the midst of it, is inserted in express words, a saving clause, which speaks the dignity of Catholic Bishops, and reconciles their allegiance to their respective Sovereigns with the canonical obedience due to their Head Pastor. '*Salvo meo ordine.*' This clause does away every difficulty, and leaves the *sceptre* in the Prince's hands, whilst it leaves the *censor* in the hands of the Pontiff. '*Salvo meo ordine,*' as a subject, bound to give Cæsar his due, and to pay allegiance to the reigning powers in whose states I reside. '*Salvo meo ordine,*' as a Minister of the Gospel, who is to preach the word, and who takes the oath in no other sense than to *prosecute* by arguments and *impugn* by persuasion,

reason, and good example, those who are of a different persuasion. Any other prosecution or persecution, let the term be what it may, is inconsistent with humanity, much more with the order of a Christian Prelate, who takes not, who cannot take the oath in any other sense. Bishops never take that oath in any sense injurious to Sovereigns, or to civil society. *The Sovereign Pontiff knows they do not. Before they are consecrated, they are bound to swear allegiance to their respective Sovereigns*, in Catholic States, who are as jealous of their privileges as any Protestant Monarch can be."—Were any more jealous of the rights and prerogatives of their Crowns than the Kings of France were? And yet did they apprehend any danger from this very Consecration Oath which is objected to?

In the *English ordinal*, the Archbishop asks the Bishop elect, "*Are you ready to banish and drive away all erroneous and all strange doctrines, contrary to God's word, and both privately and openly to call upon and encourage others to do the same?*"—Answer, "*I am ready,*" &c. But the *Coronation Oath* taken by the Kings of *Scotland*, and particularly as taken by King *William* and Queen *Mary*, is the best commentary, and of that we have spoken in another place.

It will be recollected, that in the last debate on Mr. Grattan's motion, Mr. Yorke produced in the House what is termed the "*Blue Books*," or the controversy on the interpretation of the oath originally introduced in the Act of 1791. That controversy would long since have been buried in oblivion, if Dr. Milner did not, from time to time, take pains to revive it: and it may now be proper to say a few words in relation to it, which Sir J. H. also stated to Mr. Perceval, and other Members on the Treasury Bench, while Mr. Yorke was speaking to the point.—Three of the Apostolic Vicars, and many of

the Clergy dissented from the precise terms of the proposed oath.—They contended that some of the propositions were inaccurately qualified, though they made no opposition to any declaration of the duties of civil allegiance in the most extended moral sense. Without going into details, it is sufficient to observe that the scruples of the Bishops were attended to in the House of Lords, and Bishop Horsley became their advocate. The Bishop of London and Mr. Pitt were also of opinion that their scruples were fairly to be maintained; and the oath, as it stands at present, in the Act of 1791, was substituted in the place of that originally introduced.

(P. 26.) "*It appeared desirable that the precise* "*tenure of the Apostolic Vicars resident in* "*Great-Britain should give place to a class of* "*Prelates independent of foreign controul,*" &c.

The distinction between Vicars Apostolic and Bishops Ordinaries has been often stated, and the proposed change has ever been deemed acceptable to the Roman Catholic Prelates; yet Dr. Milner, in his "*Instructions to the Catholics of the Midland Counties of England,* in 1811," introduces, at least, an indirect charge against Sir J. H. qualified indeed with a compliment, that though "the learned Baronet knows more of our tenets, discipline, and economy, than any other Protestant;" yet "he wishes to turn the *English Vicars Apostolic into ordinary Bishops.*"

In a printed letter, circulated within a few weeks past, which is termed "*An Explanation with the R. R. Dr. Poynter, &c.*" Dr. Milner distinctly contrasts the comparatively dependent state of the English Apostolic

Vicars with that of the Irish Hierarchy.—"The parties at issue," he says, "consist of three Vicars Apostolic of unconnected districts, and *immediately dependent on the Pope*, who are supported by their two coadjutors; and on the other hand, of twenty-nine Prelates, forming the whole Prelacy of a *canonically constituted National Church, &c.*" Dr. Milner thus admits the whole principle of Sir J. H.'s view of the relative state of the two Church Governments, that of England and Ireland; though qualified, by Dr. Milner, with an inference not very complimentary to his colleagues, nor to the See of Rome.

(P. 28.) "*To the republication of that Tract Dr. Milner had given the most marked approbation.*"

In Sir J. H's Tract, entitled "The Substance of additional Observations 1806," of which Dr. Milner wrote so able a defence; the Doctor should recollect, that those vigilant institutions of foreign States, both Catholic and Protestant, which he now stigmatizes with the distorted appellations of *Inquisitions, Star-Chambers, &c.* were recognized as salutary provisions of Civil Polity.—In the same Tract, that concurrence between Government and the Roman Catholic Prelacy, in reference to the civil eligibility of candidates for vacant Catholic Sees, was also recognised, and the principle is stated, to have been observed, in the United Provinces, even in the admission of *Curés* to their respective charges. Not a word of dissent was expressed by Dr. Milner, in either of his printed letters before mentioned; and indeed, in various publications from his pen, since that period, he has distinctly stated his approbation

of the principle of those measures, which he has since so much reprobated. In his Letter to a Parish Priest, after denouncing, by anticipation, the conduct of the Catholic Bishops of Ireland, in a possible departure from their resolutions of 1799, which, he asserts, are sanctioned by the practice of every State;—he suddenly turns round, on the important discovery, that his Parliamentary friends wished to demand of Catholics, "security for their own religious establishment."—Was it in this spirit that, some ten years before, he swore to maintain the "Protestant" succession *eo nomine*, and consequently gave that security himself? Has it escaped his memory, that Catholics have repeatedly declared to Parliament, that they are ready to defend with their lives, that Constitution which necessarily includes security for its religious, as well as its civil establishment?—But, to give Dr. Milner the full advantage of his own words, qualified with his saving clause; "I dis-"covered (says he), to my great surprise, that what our "friends really required of us was, to secure their reli-"gious, not their civil establishment, and I blessed God "who had directed the Prelates to decide as they had "done. It is thus seen, that I acknowledge my error, "in the face of the public of both Islands, &c. On the "same principle, I hereby publicly retract and condemn "my aforesaid Letter to a Parish Priest, and all my other "letters and writings, whether printed or in manuscript, "on the subject of the *veto*, which I wrote whilst I was "under the aforesaid delusion; that is to say, from the "latter end of May, till about the conclusion of Novem-"ber, 1808."—Such are Dr. Milner's motives, and such his facilities of self-dispensation, from the inferred obligations imposed by his own writings;—facilities, we fear, which may afford, to his old polemical antagonists, but too much cause for triumph.

(P. 35.) " *It was with no small surprise that he* " *heard of the opposition of that Gentleman* " (Mr. Clinch), *as he had been so recent and so* " *warm an eulogist of a tract printed in* 1806, " *and pointedly recognized the utility of those* " *measures now so much reprobated, and* " *which recited the authorities by which they* " *were supported in other states.*"

The following note was introduced in page 22 of the 2d Edition of Sir J. H.'s Speech on the Catholic Question on the 18th May, 1810.

" After the debates in 1805, when Mr. Fox moved to go into a committee on the Catholic Petition, Sir J. H. circulated a large impression of what was intitled, " *The Substance of Additional Observations, &c.*" and copies were transmitted to Dr. Troy for distribution to the Roman Catholic Prelates of Ireland, in order that they might be fully apprised of the measures that Sir J. H. had conceived it to be his duty to recommend to the consideration of the King's Ministers, antecedent to the Union. Sir J. H. received many applications, particularly *from two distinguished Roman Catholic Prelates in Ireland,* as well as from others in England, to re-print a large edition of the pamphlet for circulation in Ireland; and a *gentleman, who has since that period particularly distinguished himself by his opposition to the* negative of the Crown, *then united with the Roman Catholic Bishops in urging the re-publication of the pamphlet, as the* " wish of all those who had read it." This pamphlet adverted to the mode of appointing Roman Catholic Bishops in Ireland; stated the practice obtaining in the United Provinces, upon *the authority of the Cardinal Secretary of the Propaganda,*—namely, that all Catholic Priests, or Curés, were presented, by the arch-priest, to the

civil magistrate, *pour être avoués*, (as, in the United Provinces, there were no Roman Catholic Bishops). Sir J. H. proceeded to object to the *nomination* of the Irish Catholic Bishops by *the Crown*, which had been suggested by an Irish county member in the course of the debate of 1805, and quoted the letter of Mr. Burke to Lord Kenmare in support of his objection to all power of *nomination*, adding, "that the wholesome end which the learned gentleman had in view, might easily be attained *by another regulation*." He then stated, "that, among the various regulations suggested to government at that period, was one, providing that, in future, all lists of persons recommended to fill vacant secs, or deaneries, previous to their transmission to Rome, should be communicated to his Majesty's Ministers."—He then adverted to various other regulations, concluding, "that such regulations could not be considered, even at Rome, as incompatible with the acknowledgment of a spiritual supremacy." In fact, that suggestion was in conformity to the practice in nearly all the states of Europe, Catholic, Greek, or Protestant; but the authority cited by Dr. Milner on this head, in reference to the opinion of the Sec of Rome, is decisive.

Vide Sir J. H.'s "Substance of Additional Observations." *Faulder*, 1806.

As Mr. Clinch's "*Inquiry into the Consequences of giving a Negative to the Crown, &c.*" was considered as having materially influenced the opinion of the public, on the measure *proposed by the four Archbishops and six senior Roman Catholic Bishops in* 1799, and was currently styled "*A Brief for the Bishops*," and published on the eve of their deliberations in 1808, Sir J. H. addressed the Author, at some length, recalling to his memory the unqualified approbation which he had given to Sir J. H.'s Tract, which, in fact, recognised the utility of those measures which have since been viewed in so

different a light;—but to those observations Sir J. H. has received no reply. A very copious Extract of the same *Tract* has been recently given to the public in the *third* volume of "*The History of Ireland to October*, 1810, *by Francis Plowden, Esq.*" It has therefore been thought advisable to reprint those Extracts, together with such part of Mr. Clinch's Letter as refers to the republication of the Tract, the other part being of a private nature, with no reference to the subject in question.—Some observations on such parts of Mr. Plowden's History, as relate to what he styles the "*Veto Controversy*," will follow the extracts.

Extract of a Letter from J. B. Clinch, Esq. Barrister at Law, to Sir J. C. Hippisley, Bart. dated 25th November, 1806.

—"I was directed by M^t. R^d. ABishop Troy to inform you particularly, that your argument on the Catholic question has been very generally read by intelligent and prudent persons, and that the wish of all those who have read it, is, that you may be prevailed upon to publish it, or to allow it to be published in Ireland. With regard to me, as I was favoured with a copy from Doctor Troy, it is but candid to declare that I am persuaded the most beneficial consequences will arise from the dissemination of that work, not only from the systematic and comprehensive information it affords on many important points, which those of the one persuasion were ignorant of, and those of the other were not able to give, in so unincumbered and satisfactory a way; but from the reconciling nature of such a *voto ragionato* delivered by a character of trust and weight. It will furnish arguments to those who, rather from an equitable and generous instinct, than a knowledge of the cause, had befriended our petition, and will give to those who may wish to retrace their steps, and conform to the more liberal and provident spirit of the times, an highly decent opportunity to acknowledge themselves converted. But above all, it is but

justice, that you should avow yourself as the most competent person to give counsel on any possibly to be devised measure for sealing the domestic peace of the Empire. Unless you stand forward in this character, I am persuaded it will in such a case devolve on persons not so fit as you, by learning, or experience, or what in this case is a chief point, and a very sore one, by a conscientious and dignified tenderness for the integrity of our religion and sacred customs. And though it were possible to find another gentleman possessing those titles to Protestant and Catholic confidence, in the same degree with you, sir,—yet the fact is, as far as my acquaintance with the sentiments of our people extends, that you alone possess that confidence entirely with the highest orders of our teaching body, and with all those who are competent to judge on Catholic affairs amongst us. Without meaning to flatter or to offend, I sincerely own that I scarcely expected to find in any English publication either the facts, or the reasoning, or the worthiness of sentiment, which I saw in your speech; especially as I had begun to apprehend, from the publications of * * * * * * * * * * * * * that it was intended to subjugate the real liberties of our Church, and to lay it open to the invasion of lewd and unprincipled ambition, which does unfortunately exist in some individuals * * * *. I thank you, sir, for rescuing our cause at once from ignorant slander and from domestic treachery. My wish has always been that the Catholics should find in Protestants a better support than in their own communion; because otherwise I saw it difficult to produce universal concord, and because many things, now apparently irreconcilable, would easily be settled, when once the parties became attached to each other. This principle I have perhaps urged too far in conversation, yet I have experienced that it was wished by several of our religion. I hope, sir, that you will incline to have our argument published, at least to declare that you will not resent its being done in Ireland. We have got a beautiful set of types in Dublin which served for the second edition of my pamphlet."

Extracts from "The Substance of Additional Observations intended to have been delivered in the Debate on the Petition of the Roman Catholics of Ireland, on the 14th May, 1805."

Note.—The following extracts, from the Tract referred to by Mr. Clinch, are made, *verbatim*, from a copy which had been transmitted to Dr. Troy, for his corrections previous to the publication of the new edition, so much solicited. In the *margin* of the copy were a few corrections in Dr. Troy's hand, and *all such as occur in the parts now extracted*, are given in Dr. Troy's words. The whole of the marginal corrections of Dr. Milner are also added, in the Notes, from his own hand. This copy was delivered to Sir J. H. by Mr. Clinch, with a few corrections also in Dr. Troy's Letters, which were annexed to the Tract, and which are reprinted and added to the "*Substance of Sir J. Hippisley's Speech in* 1810."—[Faulder.]—The Notes are subjoined, as standing in the original publication, except those to which the *present year is subjoined.* e. g. [1812.]

[*From page* 85.]

I will now, Sir, beg to follow the conduct of Rome a little farther, to the distance of two years subsequent to the alteration of the Pontifical Oath. And here, Sir, I must submit to the imputation of some degree of *egotism*: but I consider the facts to which I shall refer as materially illustrating the general argument which I have endeavoured to support.—— But, it may be here necessary previously to call the recollection of Gentlemen to the relative situation of the governments of Great Britain and Rome. The estrangement which had subsisted for little less than three centuries, and the existence of highly penal laws, though the occasions which gave birth to them had long ago ceased to exist, were apparent obstacles to a friendly intercourse between the two countries. An event, however, occurred, which at least illustrated the inutility of such restrictions;—operating as a sort of admonition against artificial and political antipathies, and enforcing the wholesome truth that states, like individuals, were bound together by the chain of mutual necessities. From a great failure of the crops, in other parts of Italy, the Roman State

offered the only material source of supply to our fleet and to many thousand of our troops in the Mediterranean. The fleet consisted of 40 sail of men of war, and there were no ordinary *official* means of providing for the exigency. Being at that period in Rome, the extent of the necessities experienced by our army and navy were intimated to me, and my interposition with the Roman government was anxiously solicited.—From a long residence, at different periods in Italy, and the influence of social habits, strengthened by a family connexion, I had lived in intimacy with many of the leading members of the Roman government. — I scrupled not to make our necessities known to the Sovereign Pontiff, whose liberality was as eminent, as it was prompt. A supply of grain and flour was immediately granted, equal to the consumption of 12,000 *men, for three months, with a considerable quantity of cattle, all free of the duties of* transit, *and at a price from* 30 *to* 40 *per cent. under that of the market.*—The channel of application thus opened, further supplies were from time to time as liberally administered, and afterwards as liberally acknowledged by his Majesty's Government.

I have mentioned this preliminary fact, as only leading to that intercourse which had a more immediate relation to objects intimately connected with the question now before the House, and to which I shall beg to advert. I say *intimately connected with the question,* as the conduct of the See of Rome, with respect to this country, has ever been regarded with a watchful jealousy at least, and the apprehensions excited by that consideration, seem, at present, to constitute much of the reluctance to admitting the prayer of the Petition now before us.—But, Sir, to return to facts.—The speech of a Noble Lord in the Irish Parliament had appeared in several foreign Gazettes, complaining of the ingratitude and seditious conduct of many Catholics of that kingdom. I will not scruple, Sir, to repeat in this place, what I avowed at the moment, to the King's Ministers, that I thought it might be for the advantage of his Majesty's government, at

such a crisis, that the See of Rome should not be uninformed of this imputation, which, to a certain extent, might probably be too well founded.—The correspondence between the See of Rome and the Prelates of that communion, in Ireland, was known to be frequent, and the most wholesome admonitions had often proceeded from the Roman Pontiff, as the chief and centre of unity of the Catholic communion:—no doubt was entertained but that the Roman Catholic Prelates, and the great mass of their inferior clergy, would have zealously anticipated the sentiments of their Chief Pastor on this occasion; but the lower classes of those professing the Roman communion, had been taught to believe that the cause of the insurgents was the *cause of religion*, and patronized by the See of Rome. The result of this communication was, that the letters were addressed to the Irish Roman Catholic Clergy, expressive "*of his Holiness's deep concern and dis-*" *approbation of the conduct of those ill-advised Catholics,* " *who had suffered themselves to be seduced, recalling them back* " *to their duty, and admonishing them to be aware of the* " *snares laid for them, by those who had no other view but to* " *subvert all religion and the throne.*"—And here I must remark, that this and other letters, dictated in the same spirit, from Rome, at this period, were admitted to have produced very beneficial effects.

I shall state another fact in proof of the readiness of the See of Rome to concede to suggestions intimately connected with the good order of his Majesty's government.—It will be recollected that there are certain national establishments at Rome, founded for the education of his Majesty's Roman Catholic subjects, and principally to qualify them to officiate as ecclesiastics in Great Britain and Ireland. The practice had long obtained to appoint Italian superiors charged with the education of the students. The national clergy had, for more than twenty years, endeavoured to procure a reform in favour of national superiors, and in this object they had often been indirectly sanctioned by the approbation of his Majesty's

government.* Whole seminaries, expressly appropriated to the education of British subjects, existed at Rome; the system and principles inculcated, necessarily became objects of circumspection. Urged by the entreaties of this description of my fellow-subjects, during my residence at Rome, I also considered it my duty to devote my endeavours to aid the success of so interesting a reform; and I had the gratification to see it established by an order of the late Sovereign Pontiff, and confirmed by his successor. The principle which I considered as justifiable, and consequently ventured to urge in support of this reform was,—that although Rome might reasonably expect or demand that the youth so educated, should be trained up to the doctrines and discipline of her own Church, yet, on the other hand, the British government had an imperious interest in securing their early and national attachment to the civil constitution of the state in which they were destined to exercise their clerical functions. From their relation to the British government, certain high duties necessarily flowed, which, of course, required a clear discernment of their extent and obligation.—From Italian superiors it was little probable they would be disciplined to these habits.—No plan to secure this advantage was likely to be so effective as that of committing to British subjects the superintendance of these seminaries of education. The Bishops and Irish Catholic Prelates having themselves taken the oaths of allegiance, might then be answerable for the superiors of the national colleges, whose nomination was thus transferred to them, that they should give the same test of their allegiance. An education conducted on any other principle, must necessarily be foreign to the manners, the habits, and the interests of their native country, and to the claims of its established government. In justice to the Cardinal York, it should also be stated that, after the disorders incident to the irruption of the French, during which a derangement of this system was the natural consequence, his Eminence, probably animated

* Particularly that of Lord North.

with a just sense of his Majesty's beneficence towards him, manifested great zeal to effect and complete this reform under the present Pontificate, and a superior was afterwards placed at the head of the Scotch College, who had previously taken the Oaths of Allegiance to his Majesty, in Great Britain. *

When it is considered, Sir, that the Roman Catholic population, including Great Britain and its colonies, cannot be estimated to be less than *five millions*, the education of the Roman Catholic Clergy can never be regarded with indifference by an enlightened and provident government; nor can the favourable disposition of Rome itself be an object of secondary or subordinate consideration. Admitting even, that the prayer of the Petition before us is not such as should be conceded, how little suited to the interests of his Majesty's government is much of the invective we have heard in the course of this debate! In a national view, we have many fair motives to cultivate a good understanding with the Roman government; and I will not suppose, that, because it is nearly at its extreme point of depression, there is no chance of its again rising to some consideration even in the scale of tem-

* It seems that Bonaparte has recently held out a lure to invite British and Irish Catholics to receive their education in France. He has issued a decree, consolidating all the funds and other property of the Catholic Seminaries (for men), which were confiscated at the time of *Robespierre*, into one establishment, which is fixed in the *Rue des Postes*, and the *Rue Cheval Vert*. A Dr. Welch, a native of Ireland, is appointed President of this college. Those who had claims on the former establishments, are invited to send young men to it; which, if they neglect to do before the middle of next May, they are to forfeit their presentations: and these conditions have been lately intimated, by the new President, to some of his Majesty's subjects in this kingdom. This fact is well worth the attention of his Majesty's Ministers, who certainly are called upon to provide greater inducements for the King's Catholic subjects to renounce foreign connexions.—In Ireland, the Government has been liberal in the establishment of the College of Maynooth.

poral states.—The History of the Popes, from the earliest ages, presents a greater number of instances of revolutions, depositions, and imprisonments of their persons, even by Christian Princes, than can be found in the annals of any other state whatever.—Whether we consider the influence which the Supreme Pontiff must ever maintain over the minds of a large majority of those professing the Roman communion, in spirituals; or whether we are to regard him as a temporal prince, possessing a fertile territory, with convenient ports in the Mediterranean and Adriatic Seas, to which, in a political and commercial view, it may be of considerable importance to us to have access on the most favourable terms; the language of temperate discussion, at least, is equally enjoined.

The fallen state of Rome was also, in the course of this debate, inferred by an Honourable Member, from the circumstance of the late Pope, Pius VI., being guarded, as it was said, by British troops in his capital. I advert to it, merely to demonstrate how much it is the fate that every transaction connected with Rome should be misrepresented or misunderstood. The fact alluded to, is, that a part of his Majesty's 12th regiment of light dragoons was received at Civita Vecchia with the most marked hospitality by the late Pope, and entertained, during a period of three months, in his dominions, after having solicited and being refused admission into the ports of our allies. An Honourable Member, whom I see in his place, commanded the detachment, and I know will bear willing testimony to the courtesies of the Pontifical Government.—The official notification of the order which recalled them from the Ecclesiastical States, concluded with this acknowledgment:——"We are not the less indebted to the "friendly and seasonable hospitality by which Pius VI. stands "distinguished in Italy, both for steady attachment to Eng-"land, and for manliness with regard to the common "enemy."*

* Extract of a letter from the Right Honourable Sir G. Elliot, Bart. (now Lord Minto), one of his Majesty's Plenipotentiaries in

Without entering into the details of our intercourse, at this period, with the Court and See of Rome, which was incessant and multiplied from the pressure of our necessities, I am persuaded that I shall be scarcely censured as departing materially from the question, if I advert, on this point, to the sentiments of a truly great man, whose very name is ever impressive of veneration within these walls, though considered by the learned Member as "one of the active and able agents of "Rome†;"—I mean the late Mr. Burke.

"As to what you have done," said he,‡ "with regard to "the supply of his Majesty's fleet in the Mediterranean, "there can be no doubt of its propriety.—Circumstances may "happen to render the good disposition of the government of "the country where you reside, of great use to the general "cause. Nobody can be so very squeamish as to refuse be-"nefits, (nothing else will ever be offered by his Holiness) be-"cause they come from the Pope. He would be an Admiral "of wonderful theological talents, but of not quite such splen-"did military qualities, who should scruple the receipt of "those indulgencies called *Munitions de Guerre et de Bouche*, "from a Prince Prelate that believes in purgatory.—I should "not think a great deal better of a statesman at home, who, "from a disposition to polemic divinity, was so indifferently "qualified for the conduct of any other kind of warfare. But "we have no such Admirals and no such Ministers.—I con-"fess I would, if the matter rested with me, enter into much "more distinct and avowed political connections with the "Court of Rome than hitherto we have held. If we decline "them, the bigotry will be on our part, and not on that of "his Holiness.—Some mischief has happened, and much good

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the Mediterranean,—to Sir J. C. H. dated St. Fiorenzo, March 31, 1794.—Vide Appendix IX.

† See Dr. Duigenan's Speech, Hatchard, page 39.

‡ In a Letter of the Right Honourable Edmund Burke to Sir J. C. H. dated 10th Oct. 1793.

" has, I am convinced, been prevented by our unnatural alie-
" nation. If the present state of the world has not taught us
" better things, our error is very much our fault. This good
" correspondence could not begin more auspiciously than in
" the person of the present Sovereign Pontiff, who unites the
" Royal and Sacerdotal characters with advantage and lustre
" to both. He is indeed a Prelate, whose dignity as a Prince
" takes nothing from his humility as a Priest, and whose mild
" condescension as a Christian Bishop, so far from impairing in
" him, exalts the awful and imposing authority of the secular
" Sovereign."

I have no light gratification, in adverting to such an opinion, flowing from such a man. This, Sir, is not the language of the bigoted Romanist, nor, to borrow the learned Gentleman's description, " *of the active agent of Rome,*"—" *of agents* " *imposing the grossest falsehoods on the British Ministry,*" but of the wise and provident statesman, viewing the subject through the medium of an enlightened and equitable policy.

[*From page* 101.

I will now proceed to the consideration of certain provisions of an act of the 31st of his present Majesty, the avowed object of which is to relieve his Majesty's Roman Catholic Subjects from penalties and disabilities imposed by former statutes. The act in question is, indeed, speaking strictly, an English act; but as every subject of his Majesty, of the Roman communion, when residing in England, is equally bound by its provisions, I cannot consider the observations which I shall make upon it as foreign to the subject under discussion.

It has been contended, that the free exercise of their religion has been assured, by the Legislature, to Roman Catholics, in every part of the King's dominions.—We shall presently see how far the assertion is warranted by the fact.

With a view to concede what is considered as complete toleration in favour of those who shall take and subscribe the oath

prescribed by the statute of the 31st of the King, many provisions of various enumerated acts, commencing with the 1st of Elizabeth, are, in the whole or in part, repealed;—yet the highly penal act of the 13th of Eliz. ch. 2. is left entire on our statute books, and, as I consider it, in full force.

By this it is enacted, that "*any person who shall get from the "See of Rome any Bull, Writing, or Instrument, written or "printed, containing any thing, matter, or cause whatever,*" shall be deemed guilty of *high treason*:—any application to the See of Rome for such rescripts, by the 25th of Henry VIII. subjects the person so applying to a *Præmunire*:—and, "*the "importation of beads, crosses, &c. and offering them to be "worn or used, by any person,*" also subjects the offender to the penalties of *Præmunire*, by the same statute of Elizabeth.—Yet need I say that such procurations and importations are of daily occurrence, and that *Bulls, Writings*, and *Instruments*, from the *See of Rome*, are considered by Roman Catholics, in various cases, as essential to the exercise of their religion?—Such, for instance, as the renewal of the extraordinary faculties granted to the British Roman Catholic Prelates:—for dispensations likewise in cases of matrimony, within the second degree of consanguinity, and in a variety of other instances of frequent occurrence, in conformity to the established practice and discipline of the Church of Rome.

Those who are alarmed at the possible encroachments of the See of Rome, contend in favour of the 13th of Eliz. that it constitutes the only substantial bulwark to protect us against the introduction and promulgation of Papal Rescripts, hostile to our establishment in Church and State:—yet the prohibition, in mass, of *all Bulls, Writings, &c. from Rome*, militates against the spirit and avowed object of the act of the 31st of his Majesty, inasmuch as the "*rites, practice, and ob-"servance of the Roman Catholic Religion,*" to use the words of that act, cannot be said to be fully tolerated, if a correspondence with the See of Rome, which is deemed essential to its discipline, remains proscribed.

But, in fact, the severity of the act of Elizabeth has defeated itself, as unnecessary rigour ever does; for penalties may be carried so far, and be so oppressive, as in the laws of *Draco*, that none will be found to execute the law; so that if we are to admit any hostile disposition on the part of the Roman Pontiff, now or at any time, we are more exposed to suffer from it, as far as an injury can be attempted through the medium of such missive writings, than if no such law had ever been enacted. It does not appear, indeed, that either in Scotland or Ireland any similar statute exists. A statute of his present Majesty enacts, that Ireland thenceforth shall be bound only by her own laws, and nearly at the same period an act passed, enumerating certain English acts as obligatory on Ireland.—This highly penal statute of the 13th of Elizabeth was not of that number.—I conceive that the act of the 31st of the King, which professes to give complete toleration to such of his Majesty's Roman Catholic subjects as take the prescribed oath, leaves the interdiction of intercourse with the See of Rome in the same state as if that act had never passed, and that the 13th of Elizabeth still bears equally *on all Catholics* casually or permanently resident in this part of the United Kingdom, whether they take the oath or not.

Much as I am disposed to favour the objects of the Petition before the House, and much as my feelings are abhorrent from the penalties of the act to which I have just now adverted, I am by no means adverse to the principle that gave birth to them.—I would wish to be considered as not less jealous of a foreign interference and abuses, than our ancestors were in the days of Edward III. and Richard II. from which period the statutes of *provisors* and *præmunire* take their date; and though my view of the subject with respect to the mischief to be apprehended from the admission of a foreign Primacy, *in Spirituals*, is very different from those in general who oppose the present question, I will meet them in a wish to institute a solid and rational barrier against any possible encroachment of the

See of Rome, in the place of those visionary guards, which counteract their own purposes from their sanguinary tendency.

By instituting regulations to this end, we shall be countenanced by the practice of, I believe, nearly every other European state, Catholic or Protestant; and the Noble Viscount, who conducted the arrangements of the Union, will do me the justice to recollect, that I urged the adoption of such regulations as I would now propose, when the Catholic subject was known to have occupied much of the attention of the King's Ministers; and "the *exemption of the Irish Roman Catholics* "from the remaining disabilities (as avowed by my Honour- "able Friend then in the Cabinet), was the principal object "of those who concurred with the measure of the Union."*

The repeal of the 13th of Elizabeth, ch. 2, I then stated as necessarily enjoined by the *purview* of the act of the 31st of his present Majesty, ch. 32; and in lieu thereof, I proposed the enacting that no *Bull*, nor other Papal Rescript, containing any ordinances of the *See of Rome*, should be circulated or published till after it had been transmitted to one of his Majesty's Secretaries of State, or some other appointed officer, and in certain cases also be laid before his Majesty's Privy Council, if thought expedient, to which such Prelates as were of the Council should be specially summoned.—If, on due examination, those instruments contained only the ordinary faculties or regulations of internal discipline, they should be certified, without delay, by the officer appointed, as containing nothing contrary to the establishment in Church or State. —A regulation of this description might, with facility, be so modified, as to give perfect satisfaction to his Majesty's Roman Catholic subjects, by avoiding all unnecessary and vexatious interference or delay, and, at the same time, to afford complete security to the establishment.†

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* Vide Mr. Windham's Speech.

† Dr. Milner has annexed a MS. Note to this *Section of the Tract*, which is as follows:—"Neither in ancient France, nor in anyother

Another regulation suggested at the same period, was, that any Roman Catholic Priest or Schoolmaster applying to be licenced under the act of the 31st of the King, should, in addition to the Oath of Allegiance therein prescribed, produce a certificate from his immediate Superior, if a Priest, or from some known respectable persons, if a layman, attesting his good moral character, and attachment to the civil constitution of the state; which certificate should be authenticated by the nearest resident Magistrate, and in consequence of which the licence should then be granted as in the manner now directed. —As the law now stands, any Priest or Schoolmaster, merely on his own avowal, however notoriously bad his character may be, provided he scruple not to take the oath, may demand a licence on paying *one shilling* for his certificate.—It is unnecessary to observe, that the law is not so loose with respect to the Clergy and Schoolmasters professing the established religion, in view to whose functions, testimonials and certificates are the required qualifications.

And further, with respect to the statute of the 13th of Elizabeth.—By not enforcing its provisions, which we are constrained to connive at from their excess of severity, we tacitly permit the circulation of *every sort of papal instrument* without resorting to those safeguards which other states, as I have observed, have wisely instituted.—Those who are apprehensive that the *rescripts* of the *Thuilleries* may be occasionlly imposed upon us in the guise of *decretals* of the *Vatican*, will necessarily be alive to the possible abuse of a want of some rational and practical restriction.

The restrictions to which I allude, are in strict conformity

" Catholic state, did the *civil power* take cognizance of the inter-
" course of its subjects with Rome *in foro interiori.*"—Dr. Milner is so far correct, that when the cases were *certified to fall within the forum internum, they were not examined by the civil power;* and this remission was all that *Pius VI.* could obtain from *Joseph II.*—but that certification was necessary.—This is the only observation made by Dr. Milner. In other respects his approbation is to be found in his printed Letters.—[1812.]

to the provident institutions of the old Gallican Church, ever jealous of the encroachments of Rome, and her privileges depended on two prominent maxims:—1st, That the Pope had no authority to order, or interfere in any thing, in which the *civil* rights of the kingdom were concerned:—2dly, That notwithstanding the Pope's *Supremacy* was acknowledged in cases *purely spiritual* and *ecclesiastical*, yet in other respects his power was limited by the decrees of *the ancient Councils of the Realm*.—The Supreme Council of *Provence*, in the year 1482, decreed—"*That no letters coming from foreign jurisdictions, though only in spirituals, should be executed without the ratification of the Court.*"—In consequence of these recognised principles, it was provided that every *rescript* from Rome should be presented to one of the Courts of Parliament, where it was examined, lest it should contain any thing hostile to the "*Privileges of the Gallican Church*, and *the temporal Rights* of the Crown."—It afterwards became current, under a certificate, as a matter of mere ecclesiastical discipline.

The Calvinistic States of the United Provinces regulated their conduct with respect to their subjects of the Roman Communion on similar principles.—The nomination even of a *Curé* (or Parish Priest) was certified by the Arch-Priest to the Provincial Magistrate, and if objected to, another was appointed.—But indeed, regulations analogous to those proposed, obtain in almost every state in Europe *.

The adoption of such regulations would fully meet the object of the 13th of Elizabeth, divested of its sanguinary provisions. While it remains unrepealed, the toleration held out by the act of the 31st of his Majesty is illusory, as recourse to the See of Rome in certain instances, as I have stated, is not to be avoided, consistently with Catholic discipline.—I could state the testimony of a truly great man †, now unfortunately no more, one indeed of the greatest and wisest men

* In the kingdom of Naples, claimed as a fief of the Church, similar regulations were instituted, and often put in force with great rigour.

† The Right Hon. E. Burke.

that ever had the honour of a seat within these walls, who was himself deterred from receiving a letter, purely complimentary, addressed to him by the late Pontiff Pius VI. by the interdiction of this formidable statute. At the same period letters came addressed to his Majesty, which were withheld, probably from the same consideration.—This statute may perhaps be classed with such of our laws as my lord Bacon, I think, somewhere calls "*long-sleepers*."—But who will say that these sleeping terrors will never be awakened? or, to use the words of *Blackstone*, speaking of the penal statutes against Catholics—"it ought not to be left in the "breast of every merciless bigot, to drag down the vengeance "of these occasional laws, upon inoffensive though mistaken "subjects, in opposition to the lenient inclinations of the civil "Magistrate, and to the destruction of every principle of "toleration and religious liberty."—We must recollect that obsolete statutes, which lay dormant for near *two centuries*, were called into action within the last few years, to ground proceedings against the Clergy for non-residence. "At least," (as I could not refrain from observing on another occasion, when speaking of the harsh and impolitic provisions of this statute of Elizabeth,) "there can be no security against their "enforcement, so long as theological rancour and polemical "hatred inflame the heart of man.—Our security is not to "be sought for in prohibitions so repugnant to the temper "and spirit of the age;—in statutes dictated by other cir-"cumstances, in other times,—and which now throw a san-"guinary hue over our wise and healthful institutions."—"*In his neque fiducia, neque securitas, neque spes.*"——

As so much misconception and misrepresentation has obtained with respect to the different forms of the Roman Church Government, as existing in the different parts of the United Kingdom, I conceive it to be of considerable importance to state, distinctly, in what that difference consists.—It has been very recently intimated, in another place, that it would be desirable that the practice of the Roman Catholic

religion in Ireland, as to this particular, should be put on the same footing as it is in Great Britain. It has been signified also, that the influence of Rome on her hierarchy in Ireland, was greater than on that here, and that it could be more easily directed to dangerous purposes.—I confess I was much surprised to hear that these opinions were to be traced to so high an authority, as I conceive that a very little examination into the subject would have established a conviction directly the reverse.

In Great Britain, the Church Government of the Roman Catholics is vested in Vicars-Apostolic, with the rank of Bishops *in partibus* *—that is, deriving their titles from ancient Sees, mostly in the East, and having no *ordinary* jurisdiction.—In Ireland, the Roman Catholic Bishops exercise the ecclesiastical power of *Ordinaries*. The Vicars-Apostolic are delegated by the *See of Rome*, and removable *at pleasure*. —The Bishops Ordinaries, once appointed, can only be removed for some great *canonical* offence, proved upon them by process, canonically instituted. The Vicars-Apostolic can by *their special* faculties suspend or remove the inferior clergy, *at their pleasure*:—the Bishops *ordinaries*, though they appoint, cannot suspend or remove them but for canonical offences, which also must be canonically proved.

Now, Sir, so far am I from agreeing with the Noble Lord in a wish to promote such a change as he professes to think desirable in Ireland, that I shall ever be of opinion that while we are necessarily obliged, in justice and policy, to tolerate, at least, the practice of the Roman Catholic religion among any part of our fellow-subjects, it would be highly desirable that the superior Clergy should exercise an *ordinary* jurisdiction, circumscribed and limited by the known canons of the Church, *in spirituals*, rather than, as the case is at present in England, a *vicarial* and *indefinite* authority from the See of Rome. — Were the constitution of the Roman Church government the same in Great Britain as in Ireland, we cer-

* In partibus infidelium.

tainly should find the *possible* interference of foreign authority removed to a still greater distance, by thus getting rid of vicarial, or delegated power, that delegation being, to use the Pontifical phrase,—"*ad nostrum et sedis Apostolicæ beneplacitum.*"—I must again repeat, no such delegation exists in Ireland.

I shall beg to pursue this subject a little further, as it seems to be so much misconceived, and as the prejudices, resulting from that misconception, have been so injuriously operative. The Vicars-Apostolic, though agents of the See of Rome, are not invested with those *canonical* rights which are considered as inherent in Bishops *ordinaries*.—They have no power to deliberate whether they shall publish a *Bull* from the See of Rome or not;—they must obey.—If a *Bull* be canonically published, the great mass of Catholics consider it as binding on their consciences, *provided it be not contrary to their allegiance*.—Bishops *ordinaries*, such as those of the Roman communion in Ireland, have an unquestionable canonical power to receive or reject any *Bull* from the See of Rome, which they may deem objectionable; in some of the Roman Catholic Dioceses in Ireland, the discipline of the celebrated Council of Trent respecting Clandestine Marriages* has never been canonically received and published. We know that many Catholics of this part of the United Kingdom, have expressed their apprehensions of a possibly mischievous interference of the See of Rome, and alledge that, having independent duties to acquit, they require a more independent Church Government within themselves.—I do not wish here to enter into an examination of the different opinions entertained by Catholics on this subject; I speak only to the fact, that in this respect, a considerable number of Roman Catholics in Great Britain have expressed a wish to be so far on a footing with their

* The words—"respecting Clandestine Marriages,"—are here introduced from Dr. Troy's marginal note. [1812.]

fellow-subjects of Ireland.—The Apostolic Vicars themselves also must naturally incline to such a reform, as investing them with an authority more agreeable to themselves, and more congenial to the principles of the constitution of their country.

I can speak with the greater confidence on this point, it being one of the many considerations connected with this important subject, on which I have heard much discussion, both in this country, and also many years since, from the highest authorities in the quarter from which the reform must originate, if at all.—I am persuaded also that there are many Prelates of the Established Church who view it in the same light, and are of opinion, that regulations might be made without difficulty, to guard against any possible encroachment of the See of Rome on the national Church, either in *name*, *power* or *dignity*.—With equal confidence I can affirm, that it would not have been opposed in the quarter to which I have alluded, if it had been considered as a reform, sanctioned with the concurrence of his Majesty's Government *.

In this view of the subject it is difficult to conceive how a preference can be given to the delegated Roman Ecclesiastical Government as existing in Great Britain, though exercised as it is by Prelates of approved and exemplary loyalty, to the exclusion of that canonically regulated system which is subject, in the instances I have described, comparatively, to much less dependence on a foreign jurisdiction.

And now, Sir, speaking of the Roman Catholic *hierarchy*, I beg to examine the subject a little further, and I am the more induced to do so, as an Honourable and Learned Member †, who spoke with great temper and intelligence, has entertained an opinion that his Majesty, instead of the See of Rome, should, in future, *nominate* to the vacant *Sees* of Bishops of the

* In a conference, in 1794, on this subject, with the Cardinals Zelada and Antonelli (the Secretary of State and Prefect of Propagand. F.) their Eminences declared such to be the disposition of the See of Rome.

† Mr. Lee, Member for the County of Waterford.

Roman Communion, and has asked my Honourable friend (who has this day moved the question), "to *what extent the Catholics would go in this respect.*"—I conceive, Sir, that neither the Catholics could consistently concede such an innovation, nor could his Majesty consistently assume such an exercise of power;*—but the wholesome end which the Learned Gentleman had in view, might easily be attained by another regulation, though not directly by the means he has proposed.

In the vacancy of any titular Roman Catholic diocese in Ireland, the Chapter elects a *Vicar-capitular,* to govern it *per interim,* and having what is termed the right of *postulation;* the Chapter also recommends *three* persons to the See of Rome, and *confirmation* with the permission of being consecrated † is granted to *one* of them;—generally to the *first* on

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* Mr. Burke in his "Letter to a Peer of *Ireland on the Penal "Laws of Catholics*"—speaking of the measure then suggested, of giving to the Castle, the *patronage* of the presiding Members of the Catholic Clergy, thus expresses himself:—"Never were the mem-"bers of one religious Sect fit to appoint Pastors to another. Those "who have no regard for their welfare, reputation, or internal quiet, "will not appoint such as are proper. The Seraglio of Constanti-"nople is as equitable as we are, whether Catholics or Protestants; "and where their own Sect is concerned, full as religious; but the "sport which they make of the miserable Dignities of the Greek "Church, the factions of the *Haram,* to which they make them sub-"servient, the continual sale to which they expose and re-expose the "same Dignity, and by which they squeeze all the inferior orders "of the Clergy, is nearly equal to all the other oppressions together "exercised by Musselmen over the unhappy members of the "Oriental Church.—It is a great deal to suppose that the present "Castle would nominate Bishops for the Roman Church of Ireland, "with a religious regard for its welfare. Perhaps they cannot;—"perhaps they dare not do it," &c. &c.—Burke's Works, Vol. VI. p. 296.

† The words "*with the permission of being consecrated,*" are here introduce from Dr. Troy's marginal note.—[1812.]

the list.——The titular Deans are also appointed by the Pope, on the recommendation of their respective Diocesans, and in this instance also a *Papal Bull* is *necessarily* expedited.—Among the various regulations I ventured to suggest to his Majesty's Government, at that period to which I before alluded, antecedent to the Union, was one, providing that in future all Lists of persons recommended to fill vacant titular *Sees* or *Deaneries*, previous to their transmission to Rome, should be communicated to his Majesty's Ministers, stating the particular clerical situation or charge, residence, and other circumstances connected with each person so recommended. —It is certain that by the *Concordat* between *Francis* I. and Pope *Leo* X. this Monarch secured to the crown the nomination to all the vacant Bishoprics within the realm, leaving merely *the formulary of collation* to Rome.——In a Protestant Government we cannot see the same direct facility: but from the adoption of the measure suggested, there is no doubt but the names, thus submitted to Government, would be unexceptionable as to their choice.—I have stated the practice heretofore obtaining in the United Provinces, when any exception was taken to the persons nominated.—We will not suppose, with respect to the particular appointment, that it could be wished to be made an object of *state patronage*.—I could, however, without difficulty, point out several instances where Rome has invariably fixed her choice on the individual who was represented as carrying with him the countenance of his Majesty's Ministers. *—Were we to go into a Committee, I should think the occasion favourable for adducing many other heads of regulation which I conceive to be usefully connected with the concession of the objects of the Petition—so necessary, in my opinion at least, that I should not think myself justified in voting ultimately in favour of that concession, if unaccompanied with provisions of a similar tendency; and, under the influence of the same opinion, they were sub-

* Two instances were quoted by Sir J. H. *on the authority of the Cardinal Prefect of Propaganda*: but, on Dr. Troy's statement, that there was a misconception of those cases, Sir J. H. has omitted them.—[1812.]

mitted to the consideration of his Majesty's Ministers, while the great measure of the Union was then pending. I should hope that no Catholic subject of his Majesty would imagine that those regulations were suggested from my thinking less favourably of the mass of the Roman Catholics of this kingdom, than of those of the established communion.—I am persuaded that such regulations would not be considered, even at Rome, as incompatible with the acknowledgment of its Spiritual Supremacy:——But, in acknowledging that supremacy, I cannot participate in the alarms of an Honourable and Learned Member,* who considers the "*Papistry*," as he terms it, of the Roman Catholics, more formidable in Ireland at present, than before the Revolution.—If it be so, let us meet the evil with wholesome and practicable provisions, extending equally to every part of the United Kingdom.—Cease then to stigmatize with the most opprobrious epithets, the Sovereign Pontiff.—Do not any longer hold out, in the pages of our Rubric, the terrours of Popish Plots, to no other end than to create uncharitable distinctions, and excite lawless riot.—Our James the 1st felt no difficulty in corresponding with this dreaded Pontiff, nor in acknowledging him as the *first* of Christian Bishops in rank and dignity—nor in styling him the *Patriarch of the West*.—We must admit, in favour of the great mass of our Catholic fellow-subjects, that their Bishops must have their mission from him, and that recourse in all (which they term) the *greater causes* must be had to him; but, as I have observed, let us guard that intercourse, and fence it with the most rational and secure barriers against any possible encroachment that can be made upon our Constitution, after the example of other states who have manifested an equal jealousy to preserve their rights and liberties, civil and ecclesiastical, from violation.—I agree however with the same Honourable and Learned Member in a conviction that "*without* "*a knowledge of the Catholic doctrines, and of the influence of*

† Mr. Alexander.

" *those doctrines, the question cannot be fairly understood, and* " *that wilful or assumed ignorance of their opinions is unjus-* " *tifiable in a Gentleman agitating such a question.*" *—Impressed with this conviction, I have endeavoured to call the attention of the House to those *doctrinal* opinions which were supposed most to clash with the spirit of our own civil establishment.—I should have gone further into that part of the subject, had it not been so ably treated by some of my friends on this side of the House.—I could wish most sincerely that every Member, before he gives his vote on this important question, would resort to the three Questions proposed to the principal Foreign Universities, in the year 1789, with the answers returned to them. These are so pointed and full, that I own, I cannot fancy a mind so constituted as not to derive complete conviction from them,—a conviction, I mean to say, that no recognised principle of the Roman Catholic Religion is incompatible with the duties of good citizens and good subjects of the realm. Those questions were put by the Committee commissioned by the body of English Catholics, at that period, to solicit and promote the repeal of the statutes then in force against them. The Minister †, it is understood, was perfectly satisfied with regard to the sentiments of that body itself, but expressed a desire to know, whether, in making the declarations which they then made, they had not departed from the general *tenets* of the Roman Catholic Church?—To afford his Majesty's Ministers, and the nation in general, the most complete evidence which could be obtained on this head, it was considered by them that nothing could be more effectual than to propose those Questions in the manner that was done.—As they have already been adverted to in this House, and in another place, I will not repeat them;—but I will content myself with observing, that the answers given by the several learned Faculties contain the most irrefragable refutation of all the charges hitherto adduced against

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* Vide Mr. Alexander's Speech, p. 69.—Cuthell's Edition.

† Mr. Pitt.

the civil and social principles of Roman Catholics, as Catholics and as members of a Protestant State, that words can convey.

It is unnecessary to go further into the general subject, which has been so ably treated by my Honourable Friend, and in which the policy and expediency of the concession have been so luminously demonstrated. I will conclude such observations, as I conceived, from circumstances to which I alluded, it was peculiarly my duty to offer on this subject, with giving my hearty assent to the motion for going into a Committee. Some modifications of existing Statutes affecting the security of the Roman Catholic part of the community, even in the participation of those privileges which were meant to be assured to them by Law, I conceive, in justice and honour, are to be no longer withheld; and in the Committee moved for, that part of the subject can be most advantageously discussed.

If the admission of Roman Catholics to a full participation of civil privileges be a question which must be considered with an assiduous reference to the circumstances of the times when they are asserted, yet we are bound ever to recollect that civil protection and civil obedience are reciprocal duties, and that the exclusion of large bodies of men from the general franchises, narrows the basis of the social and political fabrick. To the general question therefore, whenever it may be thought most advisable to bring it forward, I shall think it my duty on these principles to give my affirmative, with the reservations I have premised;—And I cannot grant that assent upon a stronger and truer principle than that expressed by the great Statesman * whose words I have more than once quoted. —"Our Constitution," says he, "is not made for great, gene-"ral, proscriptive exclusions:—sooner or later it will destroy "them, or they will destroy the Constitution."

[*Conclusion of the Extracts.*]

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* Vide Letter of Mr. Burke to Sir Hercules Langrishe, Bart. 1792.

From a perusal of the preceding Extracts, it will be discerned that no measure whatever has been proposed by the parliamentary friends of the Catholics which are not comprehended in them.—The actual *nomination* to Roman Catholic Sees, though strongly pressed by another Member of Parliament, is here rejected; and Mr. Burke's authority is adduced in support of the rejection: but that *concurrence with government*, which can best tend to secure those objects, in which the Catholics must have a common interest with the members of the Establishment, is recommended on authority which cannot be questionable. Dr. Milner himself has shewn, that the See of Rome does not object to a *negative* upon such appointments, so guarded that it may not become an actual nomination; and he has quoted a letter from the Cardinal Borgia, to himself, in proof of such acquiescence.—He has himself demonstrated even the actual *nomination* that is exercised by some Protestant Sovereigns, and he enumerates among them the nomination of the Roman Catholic Bishops in *Canada*, by our own. Sir J. H. stated, in the course of his speech, on Mr. Grattan's motion in 1810, that in the instance of the Bishopric of St. Domingo, when in our possession, the nomination was made by the King, and *distinctly* approved by the See of Rome.

During the debates on the Catholic Question in 1805, Monsignor Caleppi, Nuncio from Pius VII. to the Court of Portugal, was in this country.—The question, as affecting the King's negative, was proposed to him by Sir J. H. He immediately recognized the soundness of the principle, and gave, in his own writing, to Sir J. H. a list of those Episcopal Sees in *Russia*, *Poland*, *Silesia*, &c. in which the *actual* nomination was exercised by the respective Sovereigns of those states, *not being in communion with the See of Rome.* Cardinal Borgia had observed to Dr. Milner, that the See of Rome had refused to enter into an

actual *Concordatum* with the King of Prussia, thereby conceding the *actual appointment* to an *uncatholic* Sovereign,—but in all instances, where such Sovereigns take upon themselves the nomination, the See of Rome assents, and grants the Faculties of Institution, &c.—Notwithstanding such assumptions, acquiesced in as we see it has been by Rome, it is not however contended, that it may be an advisable course to pursue, because every beneficial object of state-security can be obtained, by the negative power being vested in the Crown; and we have the admission of the *four Archbishops and six senior Bishops of Ireland*, that such security, obtained by the exercise of a negative in the Crown, "*is just, and ought to be agreed to.*" We will not suppose that such characters would be disposed to make such an admission, in direct opposition to Catholic principles:—We have also the authority of the titular R. C. Primate of Ireland, subsequent to the Vote of the Bishops in 1808, (when they deemed it "*inexpedient*" to introduce any alteration, &c.) "that the inexpediency was of a *temporary nature*, and resulting from *existing circumstances.*" But it is needless to adduce these authorities in confirmation of the soundness of a principle supported by the actual practice of every state in Europe, to the extent at least of the exercise of a *negative.*

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* The authority of the practice in the *United Provinces* was communicated by letter to Sir J. H. when last at Rome, by the Cardinal *Zondadari*, at that time Secretary of *Propaganda*, and now Archbishop of *Sienna*. The Edict of the Empress *Catherine*, respecting the Imperial Nomination to Episcopal Sees, &c. was obtained also, at the same period, at Rome, from Count *Chernichef*, and since verified by other authorities. As the communications on this subject, with the several ministers of the Pope, were chiefly *oral*, Sir J. H. is not possessed of any written documents of those ministers, to substantiate the facts; but the result of his conferences was, from

In the course of his Speech on this question in 1811, Sir J. H. observed that the *Warden of Galway*, exercising *Episcopal Jurisdiction* over thirteen parishes and above 100,000 inhabitants, was elected by the Mayor and Corporation of Galway, and received institution from the eight Vicars.—This was in consequence of a regulation of *Gregory* VIII. in 1434. Another regulation of *Clement* XII. about the year 1735, gave a *visitorial* power to the Archbishop of Tuam. Sir J. H. then drew an inference, that "here was an instance of an election conferring *Episcopal Jurisdiction* on *Lay Patrons* and *Protestants*." Sir J. H. has been requested, by a most respectable Catholic Prelate, so far to correct this statement, as applies to "*Protestant Electors*," as "the election is now in the hands of the representatives of ancient *Catholic* families."—Be it so; it is nevertheless an instance of a LAY *nomination* to a Spiritual or Ecclesiastical Jurisdiction. But, however strongly some of the opponents of the negative of the Crown may contend against the *anomaly* of a *lay* interference in appointments of such a nature, it must be in remembrance that one of the writers, who is least measured in his animadversions on the conduct of the supporters of the negative power in the Crown, scruples not to recommend the institution of a *popular* VETO upon the appointment of R. C. Bishops, "vesting a controlling power of assent or negative on the acts of convention, in

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time to time, communicated to some of His Majesty's confidential Ministers. Sir J. H.'s letters to the late Mr. Windham, in confirmation of those facts, have, since his decease, been returned to Sir J. H. by his executors, superscribed, or *docketed*, in his own hand. Dr. Milner has quoted the authority of one of those ministers of the Pope, Cardinal Borgia, "*that there was no objection to a negative power in "the Crown, on the appointment of Bishops, properly guarded, that it "might not become operative as an actual nomination*;" and such was the opinion of all.

*the people at large simultaneously polled in all the parishes.**"

With respect to "a *state provision* for the R. C. Clergy," which the R. C. Prelates, in their Resolutions of 1799, declare "ought to be thankfully accepted," although that also has been a subject of great controversy, it is here sufficient to observe, that the Congregation of *Propaganda Fide*, at the command of Pius VI. in an official letter addressed to Sir J. C. Hippisley on the 26th July, 1800,† distinctly expresses the approbation of such a provision in relation to the Roman Catholic Bishops and Clergy of Scotland.

Mr. Plowden, in the *third* volume of "His History of Ireland," refers to the *Tract* from which the preceding extracts are taken, and describes it, as coming from the pen "of a warm and indefatigable advocate in the Catholic "cause"—adding—"*Of all his Majesty's subjects, this "Gentleman has, perhaps, the most knowledge of the "modern style and spirit of the Court of Rome, of the re-"lations kept up between the Roman Pontiff, and Catho-"lic, and other independent States, and of the nature, forms, "and practice, by which the See of Rome exercises, ex-"ternally, supreme jurisdiction over its spiritual subjects.*" —As so much depends on the authority of the preceding pages, it is not irrelevant to bring in aid the opinion of a writer who had dedicated so much of his own work to a criticism of the Tract, of the author of which he thus speaks; and to those who are less acquainted with the subject, it may be not unsatisfactory to know how far they may confide in the author's competency, leaving his cre-

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* Vide the pamphlet of Mr. C. Keogh, who has introduced in it the Sketch of Sir J. H.'s proposed Improvement of the Plan of the R. C. Prelates in 1799.

† This letter is printed in the Notes to Sir J. H.'s Speech, in 1810.

dit to be estimated by other means.—On the same principle, a reference may be made to the corresponding testimony of two eminent Prelates of the R. C. Church, one of whom, Dr. Milner, in the year 1808—a few weeks preceding his communications with Mr. Ponsonby, Mr. Grattan, &c. on the subject of the Resolutions of the Irish Prelates in 1799—compiled a defence of the *Tract* in *question*, in 56 pages, which he addressed to a Gentleman of Dublin, and which were also printed in order to be annexed to a new edition.—Speaking of the author, Dr. Milner observes in the second page of that work, that "*few* "*could have entered upon the discussion of the subject with* "*such eminent advantages of information, connected with* "*the doctrine, discipline, character, and situation of Ca-*"*tholics, &c. &c.*"

The titular Archbishop of Dublin, Dr. Troy, in a printed letter, also expressly written for annexation to the same Tract, and which is also subjoined to the second edition of the Substance of Sir J. H's Speech on Mr. Grattan's motion in 1810, is pleased to address Sir J. H. in these words, "*I am much relieved by considering that I* "*have the advantage of addressing a gentleman whose* "*knowledge of Roman Catholic manners, usages and* "*disciplinary laws, completely entitles him to judge above* "*the suspicion, either of undue partiality, or of vulgar* "*prejudice. It gratifies me, Sir, to remember that you* "*derive your acquaintance with our Ecclesiastical polity* "*from far better resources than those writers had access* "*to*"—[alluding to certain Parliamentary speeches at that time published.]—"*You have seen and conversed with* "*the very first ministers of our religion, and therefore* "*may well recollect the ideas you took from experience,* "*and compare them with the accusation and the defence.*

" *My obligations to your friendship commenced at that* " *time, when you were in a situation to observe the rules* " *and practices of the Catholic Church, in the centre of* " *Papal authority.*"

It is somewhat singular that Sir J. H. should, at this hour, be at issue with both those Prelates whose authorities are cited, in reference to the principles of the very Tract which, at a period, so shortly elapsed, had called forth, from their pens, such unqualified eulogy.

When Mr. Plowden speaks of the illegitimate *concordat*, with the Maynooth Trustees, [p. 672] we must keep in mind that those Trustees comprehend the *four Archbishops and six senior Bishops of the Roman Catholic bench*; and we must therefore give some credit to men, risen to that eminence in their Church, for a knowledge of its doctrine and discipline, and, further, for no disposition basely to sacrifice them. It has been repeatedly shewn that no such sacrifice was intended, and that no such could be made, had they adhered implicitly to their resolutions. Sir J. H. is represented [p. 674] " to have been more than *à Secretis* to Lord Grenville,"—no such inference can be drawn from any part of his Parliamentary speeches or publications. A letter is given [in p. 678] which is expressly stated by Mr. Plowden " *to have been* " *written by Lord Grenville to his Constituents at Oxford;*" and a note, in the publication of Sir J. H's Speech of 1810, is produced as the proof. In that note no such assertion is made:—but, that Lord Grenville's name and authority may not be injuriously mingled with Sir J. H.'s act, for such it was, though under the signature of " *Oxoniensis,*"—it is requested that a reference may be made to the 15th page of the publication of Sir J. H's Speech,

printed by Faulder, in 1810, and a further proof is offered in the letter itself, * subjoined in a note.

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* *Copy of a Letter, written during the contest for the Chancellorship of the University of Oxford, to the Editor of the Bath Herald.*

SIR,

THE candid question of *Oxoniensis Alter*, which appeared in the Salisbury Journal of the 4th instant, is entitled to the earliest answer. He says, he has read, that it was declared in a recent Meeting of the Roman Catholics at Cork, that the Irish Roman Catholic Prelates had decided, *that it is against their religion to allow any check from a Protestant King and Government upon the appointment of their Bishops;* and that a majority of the Meeting concurred in that determination of their Prelates. He then pays a just compliment to the character of Lord Grenville, adding, that "if *Oxoniensis* can tell what are his Lordship's sentiments, on the declaration of the Irish Roman Catholic Prelates, and of the Meeting at Cork, the information will be highly interesting."

I am persuaded, Sir, that Lord Grenville has never swerved from the sentiments he expressed in his Speech in Parliament, on the 10th of May, 1805, and in that more particularly as referring to the subject of inquiry, of the 27th of May, 1808.—The state of the question, as agitated in Parliament, is, in general, very ill understood. The Catholics petitioned for equal rights: Lord Grenville never moved that the House should agree to the prayer of the petition; but that it should resolve itself into a Committee, *to consider the Petition.* In that Committee, he adds, the subject could be fully investigated: to consider what new safeguards its adoption might require—by what suggestions jealousy could be satisfied, and fear allayed—that, on this subject, he had concurred entirely with Mr. Pitt; their opinions had been formed together, by

Mr. Plowden accuses Lord Grenville of "gross ignorance, misrepresentation, and falsehood," in stating in his speech of 1808, "that no one of our Princes has ever

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mutual communication and unreserved confidence; their plans embraced the whole Ecclesiastical State of Ireland, including measures of considerable benefit to the Established Church—calculated to promote both its honour and advantage. The erection of Churches and Glebe Houses, in a country where, of 2400 parishes, not more than 400 had Glebe Houses, formed an essential part of their plan.

The state of the Roman Catholic Church, administering to the spiritual wants of four millions of our people, had also been an object of their deliberate consideration. If you tolerate the Roman Catholic Church, which is *Episcopal*, you must of course allow it to have Bishops; but, adds Lord Grenville, "IT IS UNQUESTIONABLY PROPER THAT THE CROWN SHOULD EXERCISE AN EFFECTUAL NEGATIVE OVER THE APPOINTMENT OF THE PERSONS CALLED TO EXERCISE THESE FUNCTIONS."—Lord Grenville then proceeded to enumerate the measures with which Mr. Pitt and himself always meant to accompany the proposal.—"Great and important safeguards," says his Lordship, "they were for the civil and ecclesiastical constitution of the realm; wise and salutary provisions for promoting the interests of religion—for extending the beneficial intercourse of OUR REFORMED and ESTABLISHED CHURCH—for conciliating the warmest affections of a people, whose various interests and feelings were thus consulted—and for insuring the success of a system of universal and unreserved benevolence."

"What I ask (says Lord Grenville) is only that you should enter fully into the discussion of the subject. Whatever be the result of your deliberations, much benefit will be derived from the mere examination of these questions—asperities will be softened—unfounded jealousies allayed. Let it be indelibly

claimed the 'Supremacy' except Henry VIII." Bishop Bramhall's authority, however, in support of Lord Grenville's assertion, which was quoted by his lordship, is not

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impressed upon the mind of Ireland, that it is only by Union —by close and intimate Union—with Great Britain, that she can, in this dreadful convulsion of the world, defend her soil, protect her people, or maintain her independence."

Such, Sir, was the state of the question when last brought forward in Parliament. Of Lord Grenville's sentiments at a more recent period I am also competent to speak, having very lately seen an avowal of them under his own hand, in a correspondence with a friend on that part of the question, in which *Oxoniensis Alter* expresses so much anxiety to be informed.—In that correspondence Lord Grenville declares, that, with respect to the appointment of the Roman Catholic Bishops, he could admit of no qualification short of A DIRECT NEGATIVE POWER ON THE PART OF THE CROWN.

I trust that my Brother Oxonian will accept this as a satisfactory answer to his question. If he should still have any doubt remaining in his mind, as to the accuracy of the fact I have stated, I have not the least objection to attest it under my *real name*, which you, Sir, are authorised to impart to *him*, instead of that of my former signature.

Oxford, Dec. 7, 1809. OXONIENSIS.

P. S.—The statement that "the Irish Roman Catholic Prelates had resolved *that it was against their religion to allow any check from a Protestant King or Government upon the appointment of their Bishops*," is not correct.

In 1799, the Roman Catholic Prelates of Ireland resolved, "That in the appointment of Roman Catholic Prelates, *such interference of Government as may enable it to be satisfied of the loyalty of the persons appointed*, is just, and ought to be agreed to."

shaken by any thing which Mr. Plowden has here urged. Mr. Plowden contends, that "the Royal approbation, "whether it precedes, accompanies or follows, the pro-

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In 1808, after a great ferment being excited in Ireland on this question, mostly proceeding from misconception, the Roman Catholic Prelates resolved, "that it was *inexpedient* to introduce any alteration," &c. "but that the Prelates pledged themselves to recommend only such persons as are of unimpeachable loyalty and peaceable conduct."

And upon the Roman Catholic Primate, Dr. O'Reilly, being called upon for an explanation of this resolution, he addressed a letter to Lord Southwell and Sir Edward Bellew, in which he expressly states, "That the Prelates did not mean to decide, that the admission to a negative power on the part of the Crown, would be contrary to the doctrines of the Roman Catholic Church; but that the resolution arose from an apprehension of danger, &c. but such danger, in his mind, and in the opinion of several other Prelates, was of a *temporary nature*, resulting from existing circumstances."

As to the proceedings of the Meetings held the 2d November last, at Cork, they certainly must have been much misrepresented to have excited alarm. Mr. Boyle proposed (in amendment of their original motion) "*the offer of a negative power to the Crown in the appointments to the Roman Catholic Prelacy.*" This was certainly negatived by the majority of the Meeting—not upon the principle of *not according the negative powers to the Crown*; but because it was considered *not to be in the province of the Laity* to make such an offer; and that it was imprudent to mingle the question of the pursuit of *civil franchises* with the *discipline of the Church*. On *this* principle alone the question of amendment was then negatived.—It is for Parliament alone to protect the Establishment by adequate institutions.

"posed appointment is, in its nature, unjust, and must "produce mischief, as the collation of mission, or spi- "ritual jurisdiction, is an act purely spiritual, and there-

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The following Letter, under the same Signature, was published at the same period, and may, not improperly, have place in this Note.

Mr. Editor, *Oxford, Nov. 26, 1808.*

I perceive in my letter of the 20th instant, which you inserted in your last Chronicle, that from a transposition of facts, in point of date, I was led into the omission of *Lord Eldon*'s name as one of the law-officers of the Crown at the period of these transactions; I will therefore request the omission to be noted. The sentence should have thus stood; —"*At the period of these transactions, Lord Eldon and Mr. Perceval were the principal law-officers of the Crown.*"

A friend of mine, on perusing my last letter, observed, "That the question for the University is not, whether the Catholic measure be a good or a bad one, but whether Lord Grenville, who supported it, be or be not at the same time a friend to the Church Establishment?"

If the question be a bad one, in the sense Lord Grenville has maintained it, and the concession of further privileges to Catholics be injurious to the Church Establishment, I must necessarily conclude that it involves so much the rectitude of the noble Lord's political principles, as to raise a question upon his eligibility. But, Sir, as a friend of Lord Grenville, I wish to look at the naked question, and the principles on which it has been constitutionally maintained: it will be difficult for the opponents of Lord Grenville to prove the illegitimacy and unsoundness of concessions, the justice and wise policy of which have uniformly been supported by a Pitt, a Fox, and a Burke.

"fore not within the competency of the civil authority to "effect." The invalidation of Mr. Plowden's argument is found, as has been shewn, in the practical authority of *all Europe*.

As immediately applicable to the present crisis, I will quote the sentiments of a respected friend, (Mr. Windham) as expressed in a letter, when the same question was agitated, with respect to a particular individual, who, at that period, was considered as a candidate for the representation of this University:

"The short argument (says my friend) is, that in this, as in other cases, you must choose between opposite dangers; and that the danger to be apprehended from leaving the Catholics of Ireland in their present state, is greater than any that can be supposed to arise, in whatever length of time, out of the increase of their present privileges. If the Church be necessary to the State, (as it is,) the State must be acknowledged to be equally necessary to the Church; and what is to become of the Church of England should England itself be lost? or how shall England be maintained, if the French should set a permanent footing in Ireland? The condition of Ireland is, for the greater part of its population, that of a sort of semi-barbarism; which not only keeps that country in a depressed state, deprived for the greater part of those advantages which nature seems to have intended for it, but renders it, in the present circumstances of the world, a source of continued and imminent danger to us. This depressed and disordered state seems to have been altogether produced by the system of laws and government adopted originally, perhaps necessarily, but since continued unnecessarily. With respect to the Catholics, without converting them, the only operation of these laws has been to brutalize and barbarise them, rendering them at the same

Mr. Plowden quotes [p. 697] the resolution of the Irish Prelates in 1808; but he has forborne to give the interpretation of their Primate, Dr. O'Reilly, in his Letter to

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time our enemies. Of these laws the greater part have during the present reign been repealed; and upon the same principle, as also with a view to convey to the Catholics *the real and practical benefit of what has already been done for them*, it would be right in my opinion to repeal the remainder. The danger of such repeal, even at any period the most distant, I cannot persuade myself to be any at all. If the Church of England is ever to be overturned, or undermined, it will not be by the Catholics, but by sects of a far different description, or by persons of no religion whatever.

"This is the shortest statement which I can give in respect to argument on the merits of the *question*. But the more immediate consideration, in the present view, is that which relates to the merits of the *person*.

"Can any one suppose, looking even at the mere names of those who supported what are called the Catholic claims, that to support those claims, and to be indifferent to or careless about the interests of the Church, are one and the same thing? Was the Government that proposed and carried the Union, (having in view those very claims,) of a description to warrant such a notion?"

Thus far I quote, as opportune, the sentiments of my friend.

Now, Sir, to those who offer eternal motives for strife, eternal arguments against peace, reconciliation, and forgiveness: who, in opposition to the declaration of our statutes, that such Catholics (who are the objects of relief) "*ought to be considered as good and loyal subjects of his Majesty, his Crown and Government:*"—to such, I say, who declaim in the face of this solemn admission of the Legislature, and who

Lord Southwell and Sir Edward Bellew.—We know also that *three of the Prelates then assembled voted against the resolution.* Mr. Plowden mentions [p. 777] that "in a "notable case brought before the House of Commons, Sir "J. H. interposed out of *tenderness and attention to his* "*Majesty's Ministers.*" The fact was, that what Sir J. H. stated in Parliament, arose from tenderness and attention

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preach the necessity of exclusion, and even of "*driving from our fleets and armies*" some *two hundred thousand* heroes, by whom our Constitution, in Church and State, has been so long and successfully defended, *and at such an hour too!*— To these *short-sighted* declaimers, to these malignant advisers, I would recommend the study of the *Book of Esther*;—to "And *Haman* said unto King *Ahasuerus*, There is a certain people scattered abroad and dispersed among the provinces of thy kingdom, and their laws are diverse from the people; —therefore it is not for the King's profit to suffer them;—let it be written that they be destroyed. And the King said— The people are given to thee, to do with them as it seemeth good to thee."

Let it be recollected, however, that THE KING CHANGED HIS PURPOSE, AND HAMAN WAS HANGED FOR HIS ADVICE!

I am, Sir, &c.

OXONIENSIS.

P.S. For the satisfaction of those who may consider this appeal to their understanding, "*better informed,*" as offensive, in any degree, to that *inspiration* which is supposed alone to direct the councils of our *Alma Mater Rodyana*,—not less than those of the *Conclave itself*, in a question of suffrages; let me disclaim, on the part of the noble Candidate (who evidently has a claim to my preference), any pre-knowledge whatever of this, or my former address on the same subject.

to, and on the authority of, *Mr. Green*, the Roman Catholic priest, with whom he had been acquainted in Italy, and whose conduct had been misrepresented to Government.—Sir J. H's opinions, and Parliamentary conduct whenever such subjects came before the House, were certainly uninfluenced by any deference to the feelings of Ministers, at the expence of his own judgment. Few, if any persons, have laboured more than himself to procure for the Catholic, serving in his Majesty's military or naval forces, the completest toleration of their religious worship.—The Speech of Sir J. H. in 1811 is complained of by Mr. Plowden (p. 790) as being "*amphibious*:"—Sir J. H. must console himself in the reflection that Mr. Grattan's speech is pronounced, by the same gentleman, to be "*ambiguous*," (p. 815). Sir J. H's speech of that Session, was in strict conformity to every thing he had before urged in Parliament, or had been the subject of his communication with Ministers, Ex-Ministers, or the Catholics themselves. The history of Sir J. H.'s sketch of improvement, as he conceived, of the Bishops' resolutions in 1799, is given by Mr. Plowden (p. 796). The sketch is printed in the course of these Notes, and here it is sufficient to say, that it had been approved by Catholics of every description, not excepting those of the Prelacy.

"The *Letter of Lord Grenville*, the *proposal of Sir J. Hippisley, the overt and occult workings of the more busy advocates of the* VETO *from England*," &c. amount, in the estimation of Mr. Plowden (816), to demonstrations of "*a very extensive, dark, complicated, and dangerous confederacy against the settlement of the Crown and safety of the British empire!*" and Mr. Plowden has conceived it to be his duty to develope it. Lord Grenville's Letter must speak for itself; but with respect to Sir J. H.'s de-

precated proposal, it is a known fact, that, within the course of the last few weeks, it was very pointedly read, as far as applied to the appointment of the Bishops, to a venerable Divine of the Roman Catholic Church, who stands equally high in estimation for theological learning and devotion to his communion. His reply was given in the presence of a Catholic Priest, late Superior of the Scotch College in Rome; who also, in the presence of Sir J. Hippisley, attested it to three of the Vicars Apostolic of England. The reply was, "that none but a bigot could object to it."—Let it here be understood, that the Apostolic Vicars were wholly unapprised that such a communication was to be made to them :—at the instance of Sir J. H. they committed themselves in no opinion on the subject, and they were requested merely to hear that declaration in silence.—Sir J. H was not desirous to involve them in new controversy.

But this note is extending to a pamphlet in itself: It is not proper, however, to pass over the detailed note of Mr. Plowden (835) without notice. Sir J. H. is not insensible to the marked compliments paid therein to himself, though he must lament the erroneous statements of Mr. Plowden in but too many instances.

The inference of a positive nomination, or negative, being exercised by Sovereigns, merely because a civil establishment, or temporal fief, was annexed to the Prelacies in nomination, is unfounded, as has been proved in the instance of Russia. The real motive for the exercise of such a prerogative is found in the extensive influence which the Prelacy of the Roman Catholic Church must necessarily have upon the minds of those of their communion. In every instance, therefore, where those

prelacies are recognised, at all, by the State, the confirmation of the State, in respect to the individuals exercising the episcopal functions, though merely in spirituals, ought to be concurrent with their appointment. Upon this principle every publicist has written, and upon this principle every State has acted. But, going back some pages in Mr. Plowden's History, he observes (p. 662), that Dr. Milner informed the public, that "on the very day after the debate," (in which Mr. Ponsonby and Mr. Grattan had mentioned in the House the proposal of the Veto), "namely, May 26, he printed a protest against the use which had been made of his name on the preceding evening, with respect to the proposal in question." Mr. Plowden hereupon observes, "that Lord Grenville dilated upon, and rather confirmed, than retracted or qualified, the instruction to offer the proposal to Parliament. Now (he continues) as Lord Fingal and Dr. Milner were both in London, it appears strange that on the intermediate day, namely, the 26th, on which Dr. Milner wrote and published his protest against what Mr. Ponsonby had advanced in the Commons, Lord Grenville should not have been instructed to retract, deny, qualify, soften, or explain the assumptions or proposals of Mr. Ponsonby, against which Dr. Milner had protested." The answer to this is very clear, namely, that the *postscript* to the printed Protest of Dr. Milner, dated May 28, consists only of the following words, but sufficient for the elucidation of what Mr. Plowden considers to be so obscure:—

"P. S. The writer has the satisfaction to add, that Lord Grenville, to whom he had the honour to explain the present subject, yesterday morning, gave a VERY ACCURATE

ACCOUNT OF THEM IN HIS VERY BRILLIANT SPEECHES LAST NIGHT AND THIS MORNING.*

"*London, May* 28."

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* Dr. Milner, in his various publications on the Veto, has frequently referred to the paper which he printed in the interval of the debates in the Commons and in the Lords. It is important in many respects, and particularly as to the fact above stated;—and also to the fact of his having acted "upon the "advice of a most venerable and learned ecclesiastical perso-"nage," whom he does not name, but which must have been prior to any communication with Mr. Ponsonby, &c. The measure proposed, must, at some antecedent period, have been well understood by Dr. Milner, and one, at least, of his constituents,—"and that" a most venerable and learned "personage."

[COPY.]

A misrepresented account of a communication between the Rt. Hon. Mr. Ponsonby and Dr. Milner, who is appointed agent to the Catholic Prelates of Ireland, relative to the interference of the Crown in the nomination of Catholic Bishops to the vacant Sees in that island, having appeared in the newspapers, Dr. Milner finds it necessary, in justification of himself, to print and circulate among his Catholic brethren a few copies of the following true statement of that communication.

Dr. M. on his arrival in London last week, found the most respectable part, both of the Catholic and Protestant public, extremely warm and anxious upon the subject of those nominations, and decided in their opinion that something was necessary to be done at the present critical time, in order to convince the legislature and the nation, that none but good and loyal subjects would be appointed to those important situations, and that the public enemy should not have any influence over them. This, in particular, was the earnest wish

* The following Note of Dr. Milner, which was read by Mr. Ponsonby in the course of the debate in the House of Commons in 1810, and has since appeared in many of the public Papers, should have preceded his explanatory Note in the opposite page.

" Dr. Milner presents his respectful compliments to the Right Hon. Mr. Ponsonby, and takes the liberty of stating, distinctly in writing, the substance of what he did say, or meant to say, in the conversation which he had the honour of holding with Mr. P.

I. The Catholic Prelates of Ireland are willing to give a direct negative power to his Majesty's Government, with respect to the nomination of their Titular Bishopricks, in such manner, that when they have among themselves resolved who is the fittest person for the vacant See, they will transmit his name to his Majesty's Ministers, and if the latter should object to that name, they will transmit another and another, until a name is presented, to which no objection is made; and (which is never likely to be the case) should the Pope refuse to give those essentially necessary spiritual powers, of which he is the depository, to the person so presented by the Catholic Bishops, and so approved of by Government, they will continue to present other names, till one occurs which is agreeable to both parties, namely, the Crown and the Apostolic See. It is to be observed, however, 1st, That the Crown does not interfere with the concerns of any other religious sect, or church, which it does not support. 2d, That the nominators in this business, namely, the Catholic Bishops, have universally sworn allegiance to his Majesty. 3d, That they will, moreover, engage to nominate no person who has not taken the oath in question.

II. It appears that the clause concerning the Protestant succession does not occur in the oath of the Defence Bill; but it would be highly gratifying to the consciences of the Catholic Bishops and Clergy, and a great proportion of the Laity, (should an opportunity occur,) if any friend of theirs would distinctly state in what sense they understand that clause in

oaths appointed for them to take, particularly in that of 1721, viz. as a penalty which must for ever remain upon them, and to which they submit with all humility, not as an engagement which they take upon themselves, in such sort that they would be obliged to take up arms against his Majesty, if he were to go to Mass. They conceive themselves justified in understanding the clause in this sense, by the most positive assurances that such was the meaning of the Legislature, which were given them in 1791 by Bishop Horsely, and other distinguished Senators, who managed the Bill in Parliament.

III. The practice of forcing Catholic soldiers and sailors to attend the established service of the Church in England, and every where else, except in Ireland, is a religious grievance and oppression, which is deeply felt by all Catholics, particularly by the subjects of this intolerance.

IV. Mr. P. was so good as to say, that he would disclaim, in the name of the Catholics of Ireland, the civil and religious code of Thomas Paine, which they have been accused, in the newspapers at least, of teaching and holding. Dr. Milner has not, of course, had an opportunity yet of consulting with the Catholic Prelates of Ireland, on the important subject of the Catholic Presentations; but he has every reason to believe, that they will cheerfully subscribe to the plan traced out in the first page of this Note.

11, *Queen-Street, Bloomsbury-Square,*
May, 1808."

It has been before remarked, that Lord Grenville, Mr. Ponsonby, and Mr. Grattan, after the debate in 1808, received letters of thanks from the titular Archbishop of

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of our great and generous advocates, the Rt Hon. Mr. Grattan, and the Rt. Hon. Mr. Ponsonby.

The last-mentioned Rt. Hon. Gentleman had expressed a wish to see Dr. M., understanding that he was honoured with a commission from the Catholic Bishops of Ireland, immediately upon his arrival in London. Accordingly, the very next morning after his arrival there, namely, on Saturday last, he waited on Mr. P. accompanied by Lord Fingal.

In the conversation which took place on that occasion, Dr. M. expressed a decided opinion, that "the Catholic Bishops "of Ireland, neither would nor could, consistently with their "religion, give any sort of *positive power* to the Crown in "this concern, in such manner that it might *actually nomi-* "*nate* to vacant Catholic Prelacies, this being a mark of com- "munion with the Catholic Church;" but he said, "he had "reason to believe they would consent to the Crown's using a "*negative power*:" which is to say, that after they themselves shall have determined, in the manner they are accustomed to do, "who is the fittest person to fill the vacant See, they will "transmit the name of the person to his Majesty's ministers, "in order to ascertain whether they entertain any suspicion "of his loyalty and peaceableness; which name, if they "should object to, the Bishops will present another, and "another, in succession, to a reasonable number, until one "shall occur, against whose civil and social principles no ob- "jections shall be made."—To prevent any mistake in this important matter, Dr. M. afterwards sent the plan, so laid down, in the form of a letter to the Right Honourable Gentle-

Dublin, in the name of the Prelacy, for their Parliamentary conduct on that occasion. And here, for the present, the observations on Mr. Plowden's continuation of his History

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man.—In this letter he added, that "if the Pope, who alone "can confer the spiritual faculties essential to the exercise of "the Catholic Episcopacy, should object to the person so "named and approved of, they, the Bishops," (in his opinion) "would name another or others in succession, till a Prelate "should be found against whom the Crown would have no ob- "jection on one hand, and to whom the Holy See would think "proper to confide spiritual powers on the other."—As Lord Fingal is ready to bear witness to the accuracy of the first part of this statement, so Dr. Milner's hand-writing, which he believes is still in the possession of Mr. P. will prove the fidelity of the second part, as well as the whole of it.—The self-same statement which Dr. M. made to Mr. Ponsonby, he made also to Mr. Grattan.

This being so, Dr. M. maintains—First, that it appears he did not, in the above-stated communications, intimate the most distant approbation, either on the part of his employers or of himself, of any change in the faith or essential discipline of the Catholic Church, or of the King's becoming the spiritual head or governor of it:—Secondly, that he did not therein express the slightest intimation that the Catholic Bishops could or would surrender to a Sovereign of a different communion the power of *actually appointing, nominating, presenting or recommending* to Catholic Bishoprics—In further proof of this, it is to be added, that Dr. M. with the advice of a most venerable and learned ecclesiastical personage, proposed that the Bishops should name *one sole person*, at a time, to the Crown, *instead of three*, to prevent its exercising an *actual power* of choosing one of the three, and also to prevent

close, and to this extent they may be considered as not altogether uninteresting in reference to a subject, the discussion of which is to be solemnly renewed in Parliament,

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ambition and intrigues* :—Thirdly, as Dr. Milner is satisfied that not only the Bishops in Ireland, but even his Holiness at Rome, see the propriety of, and earnestly wish, that the Catholic Prelates to be appointed in his Majesty's dominions, should not be obnoxious to him, and as they are in the habit of attending to this point in the elections which they actually make; so there are the *strongest grounds* to believe that they will make no objection, or difficulty, actually to consult the King's Ministers upon this point, previously to their sending any name or names for spiritual faculties to the Holy See.—— Lastly, it appears from the present statement, that, though Dr. M. gave his decided opinion upon the present measure, yet that he only gave it *as an opinion* which he had formed upon the grounds stated above; (and, indeed, upon others still stronger.) Hence, if the pressure of the Catholic Question had not precluded the possibility of *actually* taking the sense of the Irish Catholic Prelacy upon the matter, he would certainly *have done so, as he more than once signified* in the communications. Hence also it follows, that the Catholic

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* It has been suggested to the writer, that, in case the names of three persons were sent up to the Castle at a time, they would soon be known to many Noblemen and Gentlemen, to whom it might be an important object, for the sake of Parliamentary interest, to procure the nomination of some one of them over whom they might have, or expect to have considerable influence. The detrimental consequences of this, in a religious point of view, are too obvious to need pointing out. [*Dr. Milner's Note.*]

and under very peculiar circumstances, in the course of a few days, on the motion of Mr. Canning.

Prelates are not *absolutely concluded* in what their Agent has, in a short and pressing moment, (when called upon by our best friends to say something to the point) expressed in the manner stated above. He rests, however, in the fullest persuasion that they will, upon the information which has now been sent to them, support him, as *far as he has actually gone*, though certainly they cannot support him as far as *he is reported*, in the Newspapers and other uncertain vehicles of intelligence, to have gone.

J. MILNER, D. D.

London, May 26, 1808.

P. S. The writer has the satisfaction to add, that Lord Grenville, to whom he had the honour of explaining his ideas of the present subject yesterday morning, gave a very accurate account of them in his very brilliant speeches last night and this morning.

(P. 36.) " *In January,* 1799, *the Resolutions* " *of the Bishops, comprehending this Arrange-* " *ment, were presented to Government.*"

These Resolutions have been repeatedly published, but for convenient reference, they are again introduced.

No. I.

Resolutions of the Roman Catholic Prelates assembled at Dublin, in 1799.

AT a meeting of the Roman Catholic Prelates held in Dublin, the 17th, 18th, and 19th of January, 1799, to deliberate on a proposal from Government, of an independent provision for the Roman Catholic Clergy of Ireland, under certain regulations, not incompatible with their doctrines, discipline, or just influence—

It was admitted that a provision, through Government, for the Roman Catholic Clergy of this Kingdom, competent and secured, ought to be thankfully accepted.

That, in the appointment of the Prelates of the Roman Catholic Religion to vacant Sees within the Kingdom, such interference of Government, as may enable it to be satisfied of the loyalty of the person appointed, is *just, and ought to be agreed to.*

That, to give this principle its full operation, without infringing the discipline of the Roman Catholic Church, or diminishing the religious influence which Prelates of that Church ought justly to possess over their respective flocks, the following regulations seem necessary:—

1st, In the vacancy of a See, the Clergy of the Diocese to recommend, as usual, a candidate to the Prelates of the ecclesiastical province who elect him, or any other they may think more worthy, by a majority of suffrages: in the case of equality of suffrages, the Metropolitan or senior Prelate to have the casting vote.

2d. In the election of a Metropolitan, if the provincial Prelates do not agree within two months after the vacancy, the senior Prelate shall forthwith invite the surviving Metropolitans to the election, in which each will then have a vote: in the equality of suffrages, the presiding Metropolitan to have a casting vote.

3d. In these elections, the majority of Suffrages must be, *ultra medietatem*, as the Canons require, or must consist of the suffrages of more than half the electors.

4th. The candidates so selected to be presented by the President of the election to Government, which, within one month after such presentation, will transmit the name of the said candidate, if no objection be made against him for appointment, to the Holy See, or return the said name to the President of the election, for such transmission, as may be agreed on.

5th. If Government have any proper objection against such candidates, the President of the election will be informed thereof within one month after presentation, *who, in that case, will convene the electors to the election of another candidate.*

Agreeably to the discipline of the Roman Catholic Church, these regulations can have no effect without the sanction of the Holy See, which sanction the Roman Catholic Prelates of this Kingdom shall, as soon as may be, use their endeavours to procure.

The Prelates are satisfied that the nomination of Parish Priests, with a certificate of their having taken the oath of allegiance, be certified to Government.

RICHARD O'REILLY, R.C.A.B. Armagh.
J. S. TROY, R.C.A.B. Dublin.
EDWARD DILLON, A.B. Tuam.
THOMAS BRAY, R.C.B. Cashel.
P. J. PLUNKETT, R.C.B. Meath.
J. MOYLAN, R.C.B. Cork.
DANIEL DELANY, R.C.B. Kildare.
EDMUND FRENCH, R.C.B. Elphin.
JAMES CAULFIELD, R.C.B. Fernes.
JOHN CRUISE, R.C.B. Ardagh.

No. II.

Subsequent Resolution of the Roman Catholic Prelates, assembled in Dublin, in 1799.

The Prelates, assembled to deliberate on a proposal from Government of a provision for the Clergy, have agreed, that M. R. Doctor O'Reilly, M. R. Doctor Troy, R. R. Doctor Plunkett, and such other of the Prelates who may be in town, be commissioned to transact all business with Government, relative to said proposal, under the substance of the regulations agreed on and subscribed by them.

Dublin, 28th January, 1799.

EDWARD DILLON, A.B. Tuam.
THOMAS BRAY, R.C.B. Cashel.
J. MOYLAN, R.C.B. Cork.
DAN. DELANY, R.C.B. Kildare.
EDMUND FRENCH, R.C.B. Elphin.
JAMES CAULFIELD, R.C.B. Fernes.
JOHN CRUISE, R.C.B. Ardagh.

No. III.

Resolutions of the Roman Catholic Prelates assembled in Dublin in 1808.

"It is the decided opinion of the Roman Catholic Prelates of Ireland, that it is *inexpedient* to introduce any alteration in the canonical mode hitherto observed in the nomination of the Irish Roman Catholic Bishops, which mode long experience has proved to be unexceptionable, wise, and salutary."

"That the Roman Catholic Prelates pledge themselves to adhere to the rules by which they have hitherto been uniformly guided;—namely, to recommend to his Holiness only such persons as are of unimpeachable loyalty, and peaceable conduct."

No. IV.

Substance of a Letter from the R. C. Archbishop of Armagh, 1808.

The Roman Catholic Gentlemen of the county of Louth having addressed a letter to the Rev. Dr. O'Reilly, Roman Catholic Archbishop of Armagh, requesting to know his opinion of the resolution entered into by the Roman Catholic Bishops lately assembled in Dublin, respecting the negative proposed to be given to the Crown, in the appointment of Roman Catholic Bishops; Doctor O'Reilly has returned an answer, (addressed to Viscount Southwell and Sir Edward Bellew, as representatives of the Roman Catholics of the county of Louth,) in which he says, "I think, and am certain, "that, in forming their resolution, the Prelates did not mean "to decide that the admission of a veto, or negative, on the part "of the Crown, with the consent of the Holy See, in the "election of Roman Catholic Bishops, would be contrary to "the doctrine of the Roman Catholic Church, or to any prac- "tice or usage essentially and indispensably connected with "the Roman Catholic Religion.—Candour, however, and "truth oblige me to say, that the declaration made by the "Bishops on the above occasion, was dictated by what I long "conceived to be a well-founded apprehension, that the con- "cession in question might eventually be attended with con- "sequences dangerous to the Roman Catholic Religion; such "danger, in my mind, and in the opinion of several other "Prelates, is *of a temporary nature, resulting from existing "circumstances, though many persons suppose it to arise from the "nature of the measure, thus giving to the Resolution of the "Bishops a meaning it does not deserve.*"*

* On the 2d Feby. 1810, the R. C. Prelates of Ireland assembled, and published very detailed Resolutions, though in no respect impugning the principle of the Resolutions of 1799:—they are inserted in No. VII. of the Appendix to the Substance of Sir J. H.'s Speech in 1810. (Faulder.)

No. V.

Sketch of the proposed Regulations concurrent with the Establishment of a State Provision for the Roman Catholic Clergy of Ireland, 1809.*

" In the event of a state provision for the Roman Catholic " Clergy becoming a measure of parliamentary regulation, it

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* As the above Sketch had appeared in a Pamphlet published by C. Keogh, in consequence of it having been communicated to a Committee in Dublin,—a measure which certainly was not in Sir J. H.'s contemplation, when he transmitted it *as a confidential paper*, marked *private*, to a R. C. Prelate in Ireland;—the following note was soon after printed in the *Dublin Evening Post*, *British Press*, &c.

" CATHOLICS OF IRELAND.

" An article having appeared in the Dublin Evening Post of the 18th inst. and copied in the British Press of the 23d inst. stating, " *that an English Barbnet, a member of the House of Commons, had* " *proposed a Bill making it imperative on the R. C. Bishops, when-* " *ever a vacancy occurs, to return to the office of the Secretary of* " *State a list of candidates, from which any objectionable person is to* " *be struck out, and the vacancy to be filled by one of the approved* " *candidates*" ; we have authority to state the following facts: That no such Bill had been prepared, or intended to be moved in Parliament by the Member supposed to be alluded to: nor has he been apprised that it is in the contemplation of any other Member to bring forward such a Bill.

" The mis-statement has evidently arisen from the following circumstances.—Some time after the discussion of the petition of the Irish Catholics, in the last Session of Parliament, and the appearance of many publications in Ireland on the subject of, what is termed " the *Veto*," or proposed negative on the part of the Crown, the Member alluded to drew up a sketch of regulations *founded on those*

" is suggested that regulations, to the following purport, should
" also receive the sanction of the Legislature.

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proposed by the four metropolitan and six senior R. C. Bishops of Ireland, in 1799.

" This sketch was communicated, *as a matter of mere private suggestion,* to some of his friends of the R. C. Clergy in Ireland.—He had consulted no person whatever in framing it, nor was it ever communicated to any member of either House of Parliament, till a considerable time after it had been mentioned to those Catholic friends, and then only to a very few, as a sketch, merely speculative, and subject to any amendment.

" It was stated, at the same time, that, in the opinion of the author of the Sketch, " the proposal of the Prelates, in 1799, seemed to " have been made with less circumspection than might have been " expected—as the presentation of a candidate to Government, *after* " *a canonical election* had taken place in his favour (as proposed in " 1799), necessarily placed such person in a painful state of degra- " dation, if rejected:"——that " the freedom of election was much " *better secured by the amended provisions, than by the mode pre-* " *scribed in the proposal of the Roman Catholic Prelates*—which, in " fact, afforded no security:"——and further, " as it was expedient " that no *undue influence or interference, direct or indirect, should be* " *assumed or exercised on the part of the servants of the Crown,* in " favour, or to the prejudice of any individual candidate in such " election,"—certain provisions were also sketched, which, it was conceived, would effectually secure the R. C. Clergy from such undue influence.

" Such were the motives assigned; and the Member conceived he had some claim to be credited for his sincerity by those to whom the Sketch was originally communicated. In every point, the departure from the proposal of the R. C. Bishops was wholly *on the side of the Catholic.*

" It has been premised that NO BILL has been proposed, or is intended to be moved in Parliament by the Member alluded to, or within his knowledge, by any other member, with reference to this subject—it is, therefore, unnecessary to add more."

"The preamble of the act to state:

"That whereas it is expedient, that on the legal admission "of the Roman Catholic Clergy to the exercise of the func- "tions of the episcopacy of the Roman communion in Ireland, "the most adequate security should be afforded of the eligibi- "lity of such persons as are proposed for election to fill the "vacant Roman Catholic See: and as it may occur, that His "Majesty's Government may entertain a persuasion of the "ineligibility of a candidate, arising from the knowledge of "facts, which may be unknown to the electors themselves;— "or from other considerations, which may reasonably con- "stitute either a temporary or permanent objection against the "election of such candidate on the actual vacancy;—

"And whereas it is also expedient that no undue influence "or interference, direct or indirect, should be assumed or "exercised by the servants of the Crown, in favour or to the "prejudice of any individual candidate in such elections;— "the following provisions are suggested:—

"1st. That on every vacancy, by the death or removal of a "Prelate exercising the functions of a Bishop of the Roman "communion in Ireland, a list shall be prepared, containing "the names of not less than four, nor exceeding eight persons, "subjects of His Majesty; from whom it is proposed to elect "a successor to the vacant Roman Catholic See.

[Note.—"The mode of preparing such list is not prescribed, but "left as a measure of internal regulation, to be governed by the esta- "blished discipline, as obtains, on such occasions, among the Ro- "man Catholic Clergy in Ireland."]

"2d. That the list so prepared shall be transmitted by the "president of election (who is usually the Roman Catholic "Metropolitan, or senior Bishop of the province) to the chief "Secretary, in order that it may be laid before His Majesty's "Government in Ireland; and within one calendar month of "the receipt of such list, it shall be returned to the said pre-

" sident of election, accompanied with a certificate of the " chief Secretary or his representative to the following pur- " port: viz.

" ' That whereas the names of A, B, &c. &c. have been " ' transmitted to His Majesty's Government, under the sig- " ' nature of N. N, president of election of a Roman Catholic " ' Prelate, from which list it is proposed to elect a successor " ' to X. X. — late of ——, agreeably to the provisions of the " ' statute in such case made and provided:—and no cause " ' being known to exist which can be deemed valid to exclude " ' either of the persons, whose names stand on the list afore- " ' said, from being elected to supply the said vacancy; I do " ' hereby certify the same, and under my hand and seal " ' affixed to the said list, in order that the said election may " ' proceed without further delay.

" ' I do also certify and declare, to the best of my knowledge " ' and belief, that no means whatever, direct or indirect, at " ' the instance of any servant of the Crown, or by any other " ' person connected with His Majesty's Government, have " ' been used in order to influence the voice of any elector, in " ' favour or to the prejudice of any person whose name stands " ' on the said list.

(Signed) ' Z. Z.

' L. S.' ' Chief Secretary.' "

" 3d.—That in the event of an objection being taken by His " Majesty's Government against any person, whose name " stands on such list, the form of certificate shall be varied to " the following purport: viz.

" (After the words ' in such case made and provided, &c.' " the following shall be substituted):

" ' His Majesty's Government is of opinion, that it would " not be expedient in the present instance, that F. F. (whose " ' name stands in the said list) should be nominated to fill the

" ' said vacancy;—and I do hereby certify the same, &c. &c.,
" (to conclude in the form preceding)."

[Note.—" In the original sketch of this head of regulation it was " stated, that the cause or ground of objection should be invariably " notified by the chief Secretary of Government to the President of " election; in like manner as it is understood to be the practice of " the See of Rome; but it has been very properly suggested by a " noble Lord*, that cases might occur in which such notification " might possibly be attended with injurious consequences.—It " seems, therefore, advisable, that the provision in such case should " be thus qualified—viz.

" ' That the cause or ground of such objection should be communi-
" ' cated by the Secretary of Government, if required by the Pre-
" ' sident of election, except in those cases wherein such communi-
" ' cation might possibly be attended with injurious consequences to
" ' the state.'

" This head of provision must therefore necessarily involve a dis-
" cretion on the part of Government, which cannot be subject to
" specific regulation, and, at any rate, it may become a matter of
" ulterior consideration.

" Cases may be easily imagined, where the objection to the no-
" mination of a particular individual may be of a temporary nature,
" and not personal."

" 4th.—A clause to be introduced, containing the form of
" an oath, to be taken by the President of election, and by
" him also to be administered to his colleagues, to the purport
" that they will not give their suffrages in favour of any per-
" son but one who is known to be firmly attached to His Ma-
" jesty, and the civil constitution of the realm.

" Also the form of an oath to be administered to the Prelate
" elect, (and in such terms as may be hereafter advised,)
" which several oaths are to be subscribed with the signatures
" of the several electors, and transmitted, under the hand and
" seal of the President of election, to the chief Secretary of
" government in order to be enrolled.

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* Dr. Milner supposes the noble Lord here alluded to, to have been Lord Grenville:—it was not. (1812.)

" 5th.—A clause also to declare, that no person to whose " nomination an objection shall be certified to the President of " election by the chief Secretary of Government, shall be com- " petent to be elected on actual vacancy.—The objection may " afterwards be removed, and in that case certified to the " Roman Catholic Metropolitan or senior Prelate of the pro- " vince as no longer existing.—Electors offending against these " provisions, to be subjected to the penalty of PRÆMUNIRE,* " or ———, and the election to be void to all intents and pur- " poses whatever, as to the effect of conferring any legal " authority on the person so elected, to exercise the functions " of a Roman Catholic Bishop *within the realm.*

" 6th.—As the Deans of the Roman Catholic communion in " Ireland are elected nearly in the same manner as their " Bishops, and receive institution alike by Bulls from Rome; " it is suggested, that a similar provision should be enacted " respecting the election of Deans—so also, with respect to the " election of the Warden of Galway, who exercises an episcopal " jurisdiction in spirituals with some exceptions.

[Note.—" The concluding regulation, proposed by the Roman " Catholic Clergy, to Government, in January 1799, states, " ' That " ' the Prelates are satisfied, that the nomination of Parish Priests, " ' with a certificate of their having taken the oath of allegiance, be " ' certified by Government.'

" This, in part, is consonant to the invariable practice in the United " Provinces, where the Arch-Priest (for there was no Bishop) pre- " sented each Priest nominated to a parish, to the civil magistrate for " approbation—' *pour être avoué.*' Perhaps some regulations with " respect to these appointments may well have place on such a par- " liamentary arrangement. The preceding regulations are prin-

* Objection was taken, and not improperly, to the severity of this penalty:—the *blank* was originally left for its mitigation—and, upon reflexion, the *invalidity*, as stated in the latter part of the sentence, would be an adequate security, in itself, if the proposed measure were adopted. [1812.]

" cipally applicable to the state of the Roman Catholic Clergy in " Ireland. They must necessarily be varied with respect to the ap- " pointment of the Roman Catholic Prelates in Great Britain."]

" It is submitted that these provisions will obviate every " reasonable objection, that can be raised by the opponents of " the measure proposed by the four Catholic Metropolitan and " six senior Bishops in January 1799;—though many of the " objections which have been urged against that measure are " untenable, and pressed with an acrimony of discussion, very " little suited to the subject and occasion; the proposal, never- " theless, seems to have been made with less circumspection " than might have been expected.

" The presentation of the candidate to Government, *after a* " *canonical election* had taken place in his favour as proposed " in 1799, necessarily placed such person in a painful state of " degradation, if rejected. This is obviated by the regulation " now proposed. Those who are apprehensive of undue in- " fluence of Government, will probably consider the freedom " of such an election better secured by the measure now pro- " posed, than by the mode prescribed in the proposal of the " Roman Catholic Prelates; which, in fact, afforded no se- " curity.

" The extended number of candidates is calculated to con- " ceal from Government the individual, on whom, if not ob- " jected to, the choice of the electors is most likely to fall.—

" And the solemn attestation proposed to be officially given " by the chief Secretary in the name of Government, affords also " a pledge, as high as the nature of the case can possibly afford.

" The apprehensions of Mr. Burke, expressed in his letter to " Dr. Hussey, ' of the too frequent intercourse of the Roman " ' Catholic Bishops with the Castle,' were founded in a per- " suasion, as he avows, that it might terminate in an absolute " appointment by Government. Against such appointments " the mode suggested may be considered as providing a more " adequate guard, than any other hitherto practised or pro-

" posed. If ever a Catholic Prelate was to be considered as a " virtual nominee of the Castle, Dr. Hussey himself was as- " suredly that individual. If he had not been patronized by " the Ministers of the Crown in the appointment to Maynooth, " there was but little probability that he would have been re- " commended to Rome, for the Roman Catholic See of Water- " ford. The electors, apprised of the sentiments of the King's " Ministers, doubtless considered his election *as a graceful con-* " *cession to Government.* In the event of a repeal of the re- " maining disqualifying statutes, and the establishment of a " state provision for the Roman Catholic Clergy, the circum- " stances of the great mass of Catholic population and con- " dition of society *would be so materially changed*, as to render " this concert between Government and the Catholic Prelacy, " a measure of prudence, if not of necessity. If the Catholic " is to be secured against the undue influence of the Minister " of the Crown, as affecting the Hierarchy of his communion, " the Protestant is not to be denied the security he claims in " favour of the establishment. The avowed object of the mea- " sure proposed, is to give energy to both: To unite the Ca- " tholic with the Protestant, in ascertaining by the best means " the loyalty and general eligibility of the candidate proposed " to be elected to fulfil the duties of a high and sacred office, " possessing great influence, as respecting Ireland, on the " minds of a vast majority of the people.

" The possible objection to be raised by Government in the " case of any individual candidate, it has been stated, may be " considered as *permanent* or *temporary*. As the late Dr. " Hussey's name has been introduced, of him also may it now " be said, that if the Ministers of the Crown, who were so " friendly to his nomination; or the Catholic electors, who " were so much disposed to gratify the King's ministers in " the instance of his election, had been aware of his conduct " in the latter part of his mission to the court of Madrid, in " the year 1780 (the circumstances of which are now before

"the public)—it may be assumed that he would not have "been advanced to the See of Waterford. Neither is it pro- "bable that Dr. Bellew, whatever testimonials he might have "borne, and justly been entitled to, for his approved loyalty, "would have been selected for the See of Killala at the mo- "ment when his brother, under the style of General Bellew, "appeared in arms against his country, as he did on the de- "scent of Humbert at Killala, in 1798. In both these cases "Government might have had information of the facts, before "they could reach the knowledge of the electors; and these "instances may be cited as cases of tenable disqualifying ob- "jection, either *permanent* or *temporary*, as applicable to the "objects of this arrangement. Indeed, in the instance of "Doctor Hussey, the notoriety of his being a confidential chap- "lain to the Spanish Embassy to London, might in itself have "constituted a tenable ground of objection.

"It is assumed that the right of the imperial Parliament to "legislate in the spirit of these provisions will not be ques- "tioned. The authority of almost every state, of whatever "established communion, Roman Catholic, Greek, Reformed, "&c. &c., is to be adduced in support of the principle. Nor "can a concordat with Rome, under the circumstances sug- "gested, be deemed necessary, even on Catholic principles, "although the concurrence of the Roman Pontiff was consi- "dered by the Catholic Prelates, in 1799, as an indispensable "sanction of the measures then proposed. The distinction is "obvious. The *presentation of the candidate for the appro- "bation of government, by the proposal of* 1799, *was to be sub- "sequent to a canonical election*, when the usual faculties were "only wanting from Rome for his institution. By the mode "now suggested, the names of certain persons are to be trans- "mitted to Government merely as candidates for election, un- "known possibly to themselves, and the objection, if taken to "any, may be equally unknown; it will rest much with the "discretion of the electors,

"The various documents in the Appendix * are not cited as "perfect models for imitation. Many of the regulations are "known to have been influenced by caprice or spleen, espe- "cially in the instances of Austria and Venice: nevertheless "many are the result of a sound and liberal policy, and all "confirm the principle, that the sovereign power in every "state, of whatever religious communion, has considered itself "armed with legitimate authority to legislate in all matters "of ecclesiastical arrangement † within its dominion."

The following Extract of a Letter from the Rev. J. Wheeler (a R. C. Clergyman) to Sir J. Lawson, Bart. published at Richmond, in 1810, *recognizes also the principle of "an effectual Negative of the Crown."*

"The plan which I have to propose, embraces the two which have been already mentioned, yet so qualified and restricted in their operations, as to produce by their combination the happiest results. It concedes to his Majesty an effectual negative, but that negative it confines exclusively to the Metropolitans. It also establishes domestic nomination, but that nomination it confines exclusively to the Suffragan Bishops. It is comprised in the eight following articles; four of which relate to the appointment of Metropolitans, and four to the appointment of Suffragan Bishops. With respect to the former, it proposes in the first place, that on the demise of a Metropolitan, his successor be elected by the surviving Suf-

* The original Appendix here referred to, contained the Edicts, &c. of various States, and was annexed to a Summary of Correspondence not published.

† This is to be understood in reference to the security of the temporal rights of the Sovereign. The preceding Sketch was confined to the object in view of the R. C. Prelates in 1799, not adverting to *other regulations* which it might be deemed advisable to adopt. (1812.)

fragans.—Secondly, that the name of the person so elected by a majority of suffrages, be delivered into his Majesty's Privy council.—Thirdly, that whenever the person whose name shall be delivered in to his Majesty's Privy Council, shall be objected to by the same, another shall be elected.—And fourthly, that when the person elected shall not be objected to by his Majesty's Privy Council, application shall be made to the Pope in his behalf for canonical institution. With respect to the latter, it also proposes, first, that, on the demise of a Suffragan Bishop, his successor be elected by the clergy of the vacant diocese.—Secondly, That the name of the person so elected by a majority of suffrages shall be delivered to the Bishops of the province assembled in council, at which the Metropolitan shall preside.—Thirdly, That when the person whose name shall be delivered in to the Bishops so assembled, shall be rejected by a majority of suffrages, another shall be elected.—And fourthly, that, when the person elected shall be approved of by the Bishops so assembled, by a majority of suffrages, he shall receive from the Metropolitan canonical institution.

"The sole danger to which the fears of our political friends appear at present to be confined, or which even the bigotry of our political adversaries can with any plausibility allege as the ground of their hostility to Catholic emancipation, is the interference of the Pope in the appointment of Catholic Bishops. Now every possible danger which may be supposed to arise from such interference, the adoption of the scheme which I have presumed to suggest, will effectually remove. For in the appointment of Metropolitans, (which is the only case in which the scheme admits of the interposition of the Pope,) it also gives to his Majesty's privy Council an effectual negative, by the exercise of which every obnoxious person may always be excluded."

(P. 47.) *" Our Catholic Ancestors, animated " with the generous spirit of enlightened Patriot- " ism, secured their Freedom, by raising at once " a barrier against the encroachments of the " Crown and of the Tiara."*

OF PRÆMUNIRE.

Extract from Blackstone's Commentaries, *Book* IV. *Ch.* 8.

" ***PRÆMUNIRE***: so called from the words of the Writ, " preparatory to the prosecution thereof." *Præmunire facias*, A. B. &c.

" It took its original from the exorbitant power claimed and " exercised in England by the Pope, which, even in the days " of blind zeal, was too heavy for our ancestors to bear.

" It may justly be observed that religious principles, which, " when genuine and pure, have an evident tendency to make " their professors better citizens, as well as better men, have " 'when perverted and erroneous' been usually subversive of " civil government, and been made both the cloak and the in- " strument of every pernicious design that can be harboured " in the heart of man.

" The dreadful effects of a religious bigotry, when actuated " by erroneous principles, *even of the Protestant kind*, are suf- " ficiently evident from the history of the Anabaptists in Ger- " many, the Covenanters in Scotland, and that deluge of Sec- " taries in England, who murdered their Sovereign, overturned " the Church and Monarchy, shook every pillar of law, jus- " tice, and private property, and most devoutly established a " kingdom of the Saints in their stead.—But these horrid de-

" vastations, the effects of mere madness, or zeal that was " nearly allied to it, though violent and tumultuous, were but " of short duration: whereas, the progress of the Papal po- " licy, long actuated by the steady counsels of successive Pon- " tiffs, took deeper root, and was at length in some places with " difficulty, in others never yet extirpated.

" The establishment also of the feodal system in most of the " governments of Europe, whereby the lands of all private " proprietors were declared to be holden of the Prince, gave " a hint to the Court of Rome for usurping a similar authority " over all the preferments of the Church.

" At length the Holy Father went a step beyond any exam- " ple of either Emperor or feodal Lord. He reserved to him- " self, by his own apostolical authority, the *presentation to all* " *benefices which became vacant while the incumbent was attend-* " *ing the Court of Rome, upon any occasion, or on his journey* " *thither, or back again; and moreover such also as became va-* " *cant by his promotion to a bishoprick or abbey;*—etiamsi ad " illa personæ consueverint et debuerint per electionem aut " quemvis alium modum assumi.—And this last the Canon- " ists declared was no detriment at all to the patron, being " only like the change of a life in a feodal estate by the Lord. " Dispensations to avoid these vacancies begat the doctrine of " *Commendams; and Papal provisions were the previous nomi-* " *nation to such benefices, by a kind of anticipation, before they* " *became actually void; though afterwards indiscriminately* " *applied to any right of patronage exerted or usurped by the* " *Pope.* In consequence of which the best livings were filled " by Italian and other foreign Clergy, equally unskilled in and " adverse to the laws and constitution of England.

" The statutes of *Præmunire*, which were framed to encoun- " ter this overgrown yet increasing evil, King Edward I. a " wise and magnanimous Prince, set himself in earnest to " shake off this servile yoke. He would not suffer his bishops " to attend a general council, till they had sworn not to re-

" ceive the Papal benediction. He made light of all Papal " bulls and processes; attacking Scotland in defiance of one, " and seizing the temporalities of his Clergy, who, under pre- " tence of another, refused to pay a tax imposed by Parlia- " ment. He strengthened the statutes of *Mortmain*, thereby " closing the great gulph in which all the lands of the king- " dom were in danger of being swallowed. And one of his " subjects having obtained a *bull of excommunication* against " another, he ordered him to be executed as a traitor, accord- " ing to the ancient law; and in the 35th year of his reign " was made the first statute against *Papal provisions*, being, " according to Sir Edward Coke, the foundation of all the sub- " sequent statutes of *Præmunire;* which we rank as an offence " immediately against the King, because every encourage- " ment of the Papal power is a diminution of the authority of " the Crown.

" In the weak reign of *Edward the Second*, the Pope again " endeavoured to encroach, but the Parliament manfully with- " stood him; and it was one of the principal articles charged " against that unhappy Prince, that he had given allowance " to the *Bulls of the See of Rome*. But *Edward the Third* was " of a temper extremely different; and, to remedy these in- " conveniencies first by gentle means, he and his nobility " wrote an expostulation to the Pope; but receiving a mena- " cing and contemptuous answer, withal acquainting him that " the Emperor (who, a few years before, at the Diet of Nu- " remberg, A. D. 1323, had established a law against provi- " sions,) and also the King of France, had lately submitted to " the Holy See,—the King replied, that if both the Emperor " and the French King should take the Pope's part, he was " ready to give battle to them both, in defence of the liberties " of the Crown. Hereupon more sharp and penal laws were " devised against *Provisors*, which enact severally, that the " Court of Rome shall not present or collate to any bishoprick " or living in England; and that whoever disturbs any Patron

" in the presentation to a living, by virtue of a Papal provi-
" sion, such provisor shall pay fine and ransom to the King at
" his will, and be imprisoned till he renounces such provision:
" and the same punishment is inflicted on such as cite the
" King, or any of his subjects, to answer in the Court of
" Rome: And when the Holy See resented these proceedings,
" and Pope Urban V. attempted to revive the vassalage and
" annual rent to which King John had subjected his kingdom,
" it was unanimously agreed by all the estates of the realm in
" Parliament assembled, 40 Edward III. that King John's
" donation was null and void, being without the concurrence
" of Parliament, and contrary to his coronation oath; and all
" the temporal Nobility and Commons engaged, that if the
" Pope should endeavour, by process or otherwise, to main-
" tain these usurpations, they would resist and withstand him
" with all their power.

" This, then, is the original meaning of the offence, which
" we call *Præmunire*, viz. introducing a foreign power into
" this land, and creating *imperium in imperio*, by paying that
" obedience to Papal process, which constitutionally belonged
" to the King alone, long before the Reformation in the reign
" of Henry the Eighth."

The preceding extract is confined to the object of the statute of *Præmunire*, anterior to the Reformation, as a necessary guard, *instituted by a Catholic State*, against the usurpations of the Roman Pontiffs, and principally for the protection of presentations and collations to Bishoprics and Ecclesiastical Benefices. It may be said that there is little chance of such an abuse in modern times; in that case, then, the statute is merely a dead letter. The Catholic Prelacy transmit their *postulations* to Rome in favour of particular subjects of his Majesty, but has Rome never deviated from them?—Has she never collated, even

during the reign of his present Majesty, any person in whose favour no *postulation* had been made, or, if made, was unknown to have been made?—And has not Rome also turned aside the *postulations* of Bishops and Apostolic Vicars, and, for many years together, refused to act upon them; and, in other instances, rejected the person who was the chief object of *postulation?*—To each of these questions an answer must be given in the *affirmative*; and yet it is not contended that, in either instance, it was in the contemplation of Rome to have acted with hostility to the interests of the State, but on the contrary, in some instances alluded to, the conduct of Rome was influenced by a manifest desire to act with a marked deference to those interests. Until the death of the father of the late Cardinal of York, however, we know that the See of Rome, almost invariably, acted upon the recommendations of the representative of the House of Stuart.

Should a Papal Bull be directed to an *alien*, or to a subject of questionable loyalty, collating such a person to a Roman Catholic See within the realm, will the Catholic Prelacy contend that, *suo jure*, they could reject the operation of such a Bull?—They must answer in the *negative*; and herein municipal regulation would be required in aid of the subject.

It is a well-known fact that *Buonaparté*, with the Pope even in his custody, while he secured, by *concordatum*, such objects of ecclesiastical arrangement which were considered merely of a spiritual nature, legislated against the unlicenced intromission of all Papal Bulls, Brieves, and Rescripts emanating from Rome, or any foreign jurisdiction. Had *Buonaparté* more reason to be apprehensive of Papal usurpation than we have? Although there may be very little probability of its revival, it is not unwise to be provident—"*Nullum numen abest si sit prudentia.*"

So recently as in the year 1794, an *alien* Bishop was sent to Ireland, and the Roman Catholic Metropolitan, within whose province he intruded himself, expressed his disapprobation in these words: "*I was surprised to hear of an* ALIEN BISHOP *coming into my province, which was a treatment I did not expect from the sacred Congregation, who gave me no notice thereof. If Cardinal* ANTONELLI *had remained in his station, I would have taken the liberty of letting him know my mind very candidly.*"—Another elevated dignitary of the Roman Catholic Church, after much discussion on this subject, thus expresses himself: "*But whilst I say and advance all this as a steadfast Roman Catholic, not ill versed in all doctrinal points of this Church, I am, from a long-acquired experience, bold to say, that I am far from being prejudiced, or so sold to Rome, as not to allow that it behoves every National Church, or even State, to guard against certain encroachments, cabals, and intrigues of Rome and of her* CURIA, *whose finesse and the most refined policy are ever in practice.*"—The originals of both these letters are in the possession of Sir J. Hippisley.

If such be the opinions of eminent Ecclesiastics of the See of Rome, jealous of the independence of their Church, shall the Members of the Establishment wholly shut their eyes against the possibility of encroachment? And shall they, who seek the protection of their Catholic fellow-subjects, equally with their own, be calumniated, because they are not disposed to surrender their reason to the voice of clamour? If the representative body of the nation, the guardians of its interests and security, should be so little alive to their duties as to turn aside from wholesome legislation, in yielding to such clamours, very little permanent good could be augured from concessions exacted by such ill-grounded apprehensions.

The diligent inquirer, on this subject, ought not to neglect a reference to a work, of the Lord Chancellor Clarendon, entitled "*Religion and Policy*;" a valuable publication from the Clarendon Press, for which, the public are indebted to the Earl of Mansfield, the Bishop of London, and the present Speaker of the House of Commons, as Trustees under the will of the late Duchess of Queensberry. Great information will be derived from a perusal of this work, though the *Frondeurs* of the Councils of Lateran and Constance will feel but little satisfaction on perceiving that the noble historian has passed over the Acts of those Councils, without the least allusion to their sanctioning the dispensing or deposing doctrines, or breach of faith with Heretics. It is evident, that Lord Clarendon could collect no such legitimate inference from the Acts of those Councils, though his eye appears to have been acutely directed to the detection of all encroachments of the See of Rome. The last pages of the 2d Volume, are particularly worthy of attention, at the present crisis. Nevertheless, Lord Clarendon had still much to learn, and if he could have anticipated the Acts of the Pontificate of Pius VI. many of his fears would have been removed.

The obligations of the public are not less due to an Illustrious Personage, who has added to his most interesting speech in the House of Lords, a valuable collection of documents. [Vide particularly the notes L, M, N, O. annexed to the Speech of His R. H. the Duke of Sussex, delivered on the 21st of April 1812.]

Decree of the Empress of Russia, Catherine II. concerning the Roman Catholics of her Empire; transmitted to the Senate, Jan. 17th, 1782.

(TRANSLATION.)

Our ancestors and ourself, having granted the free exercise of different Religions in our Empire, and, among others, that of the Church of Rome; and as a great number of persons who profess the tenets of the same, are to be found in various parts of Russia, even the most remote, *we thought it necessary, in* 1773, *to appoint for those persons a Bishop, from among our subjects, and chose for that dignity the Bishop Stanislaus Sestrencewitz*, who, in consequence of the unequivocal proofs given us, for a length of time, of his devotion to our person, his zeal for his church, his wisdom in guiding the flock entrusted to him, and his diligence for the public good, had rendered himself worthy of our benevolence.—Resuming now our cares for our faithful subjects of the Roman Catholic Communion, after having concerted the necessary measures for the better direction of the affairs of their Church, we have judged it expedient to adopt the following Regulations:—

I.—We *now erect the City of Mohilow, the capital of the Government of the same name, into an Archbishoprick of the Roman Catholic Religion*, including within the jurisdiction of its archbishoprick all the churches and convents of the said Religion which are in the governments of Mohilow and of Polotski, as well as those of our two capitals, and in all other parts of the Russian Empire.

II.—We *graciously name the Bishop Stanislaus Sestrencewitz*, to the Archbishoprick See of the Roman Catholic Church of Mohilow.

III.—*To aid the same in his functions, we appoint a coadjutor*, and elevate to that dignity the Abbot John Benislasshi, Canon of the Archiepiscopal Church of Mohilow, and

Superior of Danburg and *we have given orders that measures shall be taken for his elevation to the Episcopacy.*

IV.—*Twelve hundred rubles a-year shall be assigned to the co-adjutor of the Archiepiscopal Church of Mohilow.*

V.—*The Archbishop of the Roman Catholic Church of Mohilow shall not receive any order from any person whatever, besides us and our Senate.*

VI.—The Archbishop shall appoint a Consistory of Canons, natives of our dominions, or naturalized in them, to examine and judge, under his direction, all ecclesiastical as well as secular affairs, appertaining to his jurisdiction; but in the case of a judgment affecting a secular person, he shall be obliged to call a deputy from the State Tribunal, to co-operate with the other members of the Consistory in passing the judgment which may be requisite; and such individuals who may not be content with the sentence of the Consistory and of the Archbishop, shall be at liberty to appeal to the Senate.

VII.—The Tribunal of Livonia, Estonia, and Finland, is forbidden to interfere, in any way, in the affairs concerning the Roman Catholic Churches.

VIII.—The appointment of Superiors and Heads of Convents, of Curates for the parishes, and of all other promotions to the ecclesiastical degrees of the Roman Catholic Religion, shall be dependent, in all the extent of the Russian Empire, on the will of the Archbishop whom we have appointed: and we order him to examine, either personally, or by means of his co-adjutor, all the aforesaid superiors and curates; to let those remain who were born our subjects, or are become such, to appoint others that are so, and to dismiss and send away those who may have come from foreign countries, and not to suffer any of them to come in for the future, forbidding them to return, under the penalty of being juridically prosecuted for having disobeyed the decrees of the Supreme Government.

IX.—With regard to what concerns the direction of the

Roman Catholic Church of Petersburgh, the same remains confirmed by our privileges and regulations; but, as to the appointment of Priests to that Church, it shall be, for the future, according to the above specified regulations; for, if it was permitted formerly to call and to receive foreign monks, it was only because Russia then had no bishops of the Roman Catholic Religion of her own establishment.

X.—We confirm the prohibition expressed in our decrees of July 3d, 1779, addressed to the Governor-General of White Russia, and of Jan. 31st, 1789, to all the Governors-General, not to permit the entrance within our frontiers of ecclesiasties of foreign appointment: and we direct that, wherever any of them appear, they shall be sent back, and threatened with being delivered over to the Tribunals of our Departments, to be judged according to the laws: and finally, those who, contrary to this decree, receive them, without the permission of the Archbishop, shall be sent to the competent tribunals, to be there judged according to the laws.

XI.—We *command that all the Religious Orders of the Romish Religion shall only be dependent on the Archbishop of Mohilow, on his co-adjutor, and on his consistory, without daring to submit to any other ecclesiastical power out of our Empire*, to send to such power any portion of their incomes, or to have any connection with it, under the penalty of being juridically prosecuted for disobeying the laws of the Supreme Government.

XII. We order the Archbishop of the Romish Church of Mohilow, to send us a detailed account of all its convents, specifying those which he truly thinks useful to Religion and the Country, whether on account of their knowledge, the education of youth, or their care in assisting the poor and the needy;—of the measures he may take for maintaining them, and likewise of those who live in sloth and only for themselves, doing nothing for the public good, and becoming a burden to society; in order that we may adopt the best mea-

sures possible on the subject for the promotion of the glory of God, and the good of society.

XIII.—We *confirm our preceding Decrees, which prohibit the reception of any Bull from the Pope, or any other writings sent in his name; ordering that the same shall be sent to our Senate, who, after having examined their contents, and particularly any thing that may be found contrary to the laws of the Russian Empire, or to the rights of the Ecclesiastical power which we have received from God, shall be obliged to communicate to us its opinion, and to wait our permission or prohibition in rendering public such bulls or writings.*

The present Decree shall be published wherever it may concern, and be delivered to all Catholic Churches, that every one of them may come to a knowledge of what is hereby published.

The original, subscribed by the Director of the Senate, was printed and published by order of the Senate, at Petersburgh, 1782.

Edict of his Majesty Charles III. King of Spain, &c. dated Buen Retiro—27 Nov. 1761.

(TRANSLATION.)

Having considered that my religious zeal cannot satisfy the sincere desire I preserve for protecting on all occasions either the determinations of the Holy See, or those of the Inquisition of these kingdoms in the serious and important business committed to their care, and which is executed with so much zeal by that tribunal, unless I should be acquainted with those same determinations previous to any notice given of them to my vassals, and unless the most secure regulations should be established for avoiding before the publication thereof every danger of embarrassment or inconvenience; I have resolved, after mature deliberation, and with advice of my council, that

henceforwards *neither pontifical bulls, briefs, rescripts, exhortations, nor letters upon any subject whatsoever, treating to establish a law, regulation, or general observance, whether directed in particular or in general to the tribunals, juntas, magistracies, archbishops, bishops, or prelates of these kingdoms, shall be published or obeyed, unless it appears to have been first seen, and examined by me;* and if *ever they should be addressed to the apostolic nuncio, he must pass them to my hands by the secretary of state's office: and that all bulls or briefs for business between private persons or parties, whether they be of grace or justice, shall be presented to and examined by the council of Castile, in order to discover, if any prejudice can result from its observance, either to the concordatum or to the laws, good customs and practices, or to the tranquillity of the kingdom, or to the prejudice of any third person, excepting solely from this presentation, the dispensations and briefs dispatched by the holy penitentiary for the internal forum of consciences; and that the inquisitor-general shall not publish any edict proceeding from any pontifical bull, or brief, unless it be transmitted to him by my order;* for they must all be delivered by the nuncio to my person, or to my first secretary of state; and that if they belong to the prohibition of any books, the formality must be observed, as expressed in the 14th Auto, tit. 7. book I. causing the books to be examined again, and then if they should deserve it, prohibiting them by his own authority, and without inserting the brief: and likewise that the inquisitor-general shall not publish in the court, or out of it, any edict, or expurgatory, without first giving notice thereof to me, by the secretary of dispatch, of grace, and justice, or in his absence from my person, by the secretary of state; nor without obtaining in answer my consent: and finally, that before any book or paper be condemned by the Inquisitor-General or by the tribunal of the Inquisition, they shall hear the defence that the concerned may desire to make, citing them for that purpose, according to the regulations prescribed to the Inquisition of Rome by Pope

Benedict XIV, in the Apostolic Constitution, which begins, *Solicita ac provida*, &c. Buen Retiro, the 27th of November, 1761.

*** (Similar edicts were published in 1709, addressed to the Viceroy of Naples, commanding that all bulls, rescripts, and provisions, coming from Rome, should be strictly subjected to examination and the "*Regium Exequatur.*"——In the States of the Empire, and in Spanish and Austrian Flanders;—in France—Portugal—Savoy—Milan—Florence—Venice, &c., similar regulations obtained, under different appellations,—whether denominated the "*Exequatur Regium*"—"*Placet*"—"*Obedietur*"—"*Pareatis,*" &c.—which *Van Espen* and other writers trace back to times of high antiquity.—The chronological deduction of Dr. Jos. de Scabra, Procurator-General of the King of Portugal, written by authority of the Marquis de Pombal, also recognizes these institutions of other states as well as that of *Portugal.*)

Extract of the Convention, or Concordatum, between the French Government and his Holiness the Pope Pius VII. ratified the 23d Fructidor, year 9, (10*th September,* 1801.)

The first five articles provide for the Re-establishment of the R. C. Religion, the Nomination to Bishoprics by the Chief Consul, &c. &c.

TRANSLATION.

VI. The bishops, before they enter upon their functions, shall take, before the Chief Consul, the oath of fidelity which was in use before the revolution, expressed in the following words:

"I swear and promise to God, upon the Holy Evangelists, to preserve obedience and fidelity to the government established by the constitution of the French Republic. I likewise promise to carry on no correspondence, to be present at no conversation, to form no connection, whether within the territories of the republic or without, which may, in any degree, disturb the public tranquillity: and if, in my diocese or elsewhere, I discover that any thing is going forward to the prejudice of the state, I will immediately communicate to Government all the information I possess."

VII. Ecclesiastics of the second order shall take the same oath before the civil authorities appointed by the Government.

X. The bishops shall have the appointment of the parish priests.—Their choice shall not fall but on persons approved of by Government.

XIV. The Government shall grant a suitable salary to bishops and parish priests, whose dioceses and parishes are comprised in the new division.

XVI. His Holiness recognises in the Chief Consul of the French republic the same rights and prerogatives in religious matters which the ancient Government enjoyed.

Concurrent with the above Convention, regulations were also enacted by authority of the Senate, upon which occasion, the following observations were made by the Senator Simeon:

"Although the enterprises of the Court of Rome, "thanks to the progress of reason, and of her own wisdom, "may be classed among those antiquated historical facts, "whose return is little to be feared, *France* had defended "herself too well against them; she had too well esta- "blished, even under the pious Louis IXth, the indepen- "dence of her Government, and the liberties of her

"Church, to leave it in our power to neglect the already "existing barriers. According to the former usage of "France, no bull, brief, rescript, nor any dispatches "whatever, coming from Rome, can be received, printed, "published, or executed, without the authority of the "Government."

Regulations of the Gallican Church, concurrent with the preceding Convention, and enacted by the Senate, September, 1801.*

[EXTRACT.]

TITLE I.

Of the Regulations of the Catholic Church, as connected with the Policy of the State.

ARTICLE I. No bull, rescript, decree, provision, or any thing in the place of a provision, nor other missive from the Court of Rome, even though it should relate to individuals only, shall be received, published, printed, or otherwise put in force, without the authority of the government.

II. No individual styling himself nuncio, legate, apostolic vicar or commissary, or assuming any other character whatever, shall exercise, without the same authority, within the territories of France, or elsewhere, any function relative to the affairs of the Gallican Church.

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* The Speeches of the Senators Portalis, Simeon, and Lucien Buonaparté, in reference to the ancient regulations of the Gallican Church, are extremely interesting, and are annexed to the Proceedings of the Senate, published by Fitzpatrick, Dublin.

III. The decree of foreign synods, or even of general councils, shall not be published in France before the government shall have examined their form, their conformity to the laws, rights, and privileges of the French Republic, and whatever might in their publication have a tendency to alter or to affect public tranquillity.

IV. No national or metropolitan council, no diocesan synod, no deliberative assembly, shall be allowed to be held without the express permission of government.

V. All ecclesiastical functions shall be gratuitous, with the exception of those oblations which shall be authorised and fixed by particular regulations.

VI. Recourse shall be had to the Council of State in every instance of abuse, on the part of superiors, and other ecclesiastical persons. The instances of abuse are—usurpation, or excess of power, contravention of the laws and institutions of the Republic; infraction of the rules consecrated by the canons received in France; any attack upon the liberties, franchises, and customs of the Gallican Church; and any attempt, which, in the exercise of worship, can compromise the honour of citizens, arbitrarily trouble their conscience, or lead to oppression, injury, or public scandal.

XVI. No person can be named a bishop who is not a Frenchman born, and who is not at least thirty years of age.

XVII. Before the decree for his nomination is dispatched, he shall be bound to produce an attestation of the correctness of his conduct and manners, furnished by the bishop of that diocese in which he shall have exercised the functions of the ministry; he shall undergo an examination respecting his tenets, by a bishop and two priests commissioned by the Chief Consul, and who shall address the result of their examination to the Counsellor of State who presides over the department of ecclesiastical affairs.

XVIII. The priest, nominated by the Chief Consul, shall endeavour without delay to procure installation from the Pope;

he shall be permitted to perform no function till the bull authorizing his installation shall have received the sanction of government, and till he shall have taken in person the oath prescribed by the convention entered into between the French Government and the Holy See. This oath shall be taken to the Chief Consul, and a minute of it shall be entered by the Secretary of State.

XIX. The bishops shall nominate and install the *curés;* they shall not, however, make public their appointment; nor shall they give them canonical institution till this nomination shall have been agreed to by the Chief Consul.

XXV. The bishops shall send every year to this Counsellor of State the names of the students of those seminaries who are destined to the holy ministry.

XXXVII. It shall be the duty of the metropolitans and the cathedral chapters to communicate to the government without delay, information of the vacancy of sees, and the steps which may have been taken for the government of vacant dioceses.

LXIV. The salary of the archbishops is to be 15,000 francs (about 800*l.* sterling.)

LXV. The bishops are to receive 10,000 francs (about 500*l.* sterling.)

LXVI. The *curés* are divided into two classes. The salary of the *curés* of the first class is to be about 1500 francs (between 70 and 80*l.* sterling); that of the second class is to be 1000 francs (between 50 and 60*l.* sterling.)

Arrest du Parlement, seant à Tours, donné sur l'appel, comme d'abus, interjecté par le Procureur general du Roy, de l'octroy, et execution de certaines Bulles emanees de Rome.

[1591.]

" La Covr ayant esgard aux conclusions du Procureur " general du Roy, a declaré, et declare les Bulles monito- " riales, donnees à Rome le premier iour de Mars, an 1591. " nulles, abusiues, seditieuses, damnables, pleines d'impieté, " et d'impostures, contraires aux saincts decrets, droicts, " franchises, et libertez de l'Eglise Gallicane. Ordonne que " les copies scellees du seau de Marsilius Landrianus, soub- " signees Septimus Lamprius, seront lacerees par l'Executeur " de la haute Iustice, et bruslees en vn feu, qui pour cét effect " sera allumé deuant la grande porte du Palais. A fait inhi- " bitions et defenses, sur peine de crime de leze Majesté, à " tous Prelats, Vicaires, et autres Ecclesiastiques, d'en publier " aucune copie : Et à toutes personnes, de quelque qualité, " ou condition qu'elles soient, d'y obeyr, d'en auoir, et " retenir. A declaré, et declare Gregoire, soy disant Pape " XIV. de ce nom, ennemy de la paix, de l'vnion de l'Eglise " Catholique, Apostolique, et Romaine, du Roy, et de son " Estat, adherant à la coniuration d'Espagne, et fauteur des " rebelles, coulpable du tres-cruel, tres inhumain, et tres- " detestable parricide, proditoirement commis en la personne " de Henry troisiesme de tres-heureuse memoire, tres-Chres- " tien, et tres-Catholique. A inhibé, et defendu à tous Ban- " quiers respondre, ou faire tenir par lettres de banque à " Rome, or, ny argent, pour auoir bulles, prouisions, dispenses, " et autres expeditions quelconques. Et si aucunes sont " obtenuës, aux Iuges d'y auoir esgard. Ordonne la Cour que " Marsilius Landrianus, soy disant mis dudict Gregoire, por-

" teur des bulles, sera pris au corps, et amené prisonnier en la " Conciergerie du Palais, pour le procez luy estre fait et par- " fait : et si pris, et apprehendé ne peut estre, adjourné à trois " briefs iours, au plus prochain lieu de leur accez de la ville de " Soissons. Enjoint à tous Gouuerneurs des villes, Capitaines " des chasteaux, et places fortes de l'obeyssance du Roy, de " donner confort, et ayde à l'execution du susdit arrest. Et " pour rendre la saincte, et iuste intention du Roy, notoire à " ses subjects, ordonne que copies collationnees, tant des " lettres patentes, que du present arrest, seront mises et " affichees par les carrefours, et principales portes des Eglises " de ceste ville, et enuoyees aux Bailliages, et Seneschaussees " de ce resort, pour y estre leües, publiees, et enregistrees, et " affichees, comme dessus : et aux Archeuesques, et Euesques, " pour estre par eux notifiees aux Ecclesiastiques de leurs " dioceses. Enjoint aux Seneschaux, et Baillifs, leurs Lieu- " tenans generaux, et particuliers, proceder à la publication : " et aux Substituts du Procureur general, de tenir la main à " l'execution, informer des contrauentions, et certifier la Cour " de leurs diligences au mois, sur peine de priuation de leurs " estats. A Tours en Parlement, le 5. Aoust, 1591. et executé " ledict iour, de releuee."

[Semblable arrest donna aussi la Cour de Parlement de Paris, seant à Chalons, 29. dudict mois d'Aoust, 1591. et le Parlement de Normandie, le 13. du susdit mois, 1591. prononcé en iugement à Caen.]

CONCLUDING NOTE.

In the 2d part of "*A Statement of the Penal Laws which aggrieve the Catholics of Ireland, &c.*" some copies of which have recently been received from *Dublin*, where it was printed in 1812, and which is understood to be the work of a Barrister, in great estimation with the Catholic Body, is the following passage—(p. 257).

"In 1794 an Englishman, *Clerk to the Neapolitan Embassy*, ventured to apply to the Court of Rome for a supply of provisions for the British fleet,* then lying in the Mediterranean, and in great distress. He succeeded in obtaining the Pope's *written order* for an ample supply; relieved the fleet—and, according to strict law, *should have been hanged upon his return.*—He was, however, raised to a baronetage, and his patent is a just satire upon the state."—The marginal direction in this work is—"See Betham's Baronetage, Article *Cox Hippisley*," printed 1805.

This misrepresentation of the *condition of the person* alluded to, is the more extraordinary from the authority quoted. Previous to the publication, Mr. Betham applied to individuals, as is usual, in order to obtain such materials as were suited to his work.—The fact indeed to

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* The first supply obtained of His Holiness Pius VI. at the instance of Sir J. H. amounted to grain and flour equal to the consumption of 12,000 for three months, with a proportionable quantity of cattle and sheep, delivered by the Court of Rome, on the coast, free of all duties of transit, &c. and at a price near 40 per cent. under the market price, and this at a time of great scarcity in the Pontifical State; and from no other state of Italy, at that period, could the fleet have been supplied at all.

which the author of the "*Statement*" alludes, was one of the transactions, of a public nature, recorded under the name to which he refers;—but it required some industry of misrepresentation to qualify the instrument of it with the description of a "*Clerk to the Neapolitan Embassy*," especially when the letters of his Majesty's Envoy to the Court of Naples, expressing his acknowledgments, together with those of one of His Majesty's Secretaries of State, are subjoined to the narrative in the same work.

The Author of the Statement appears to have adopted, from the publication of Sir J. Hippisley's Speech in 1810, the observations made by him on the 113th *Canon of the Church of England*, and his reference to the opinion of Lord Kenyon, in the case of *Du Barré*, with Lord K.'s marked observation on the case of the *King and Sparkes*. Those who compare the pages 24 and 25, of the 2d part of the "*Statement*," with the 46th and 47th pages of the 2d edition of Sir J. H.'s Speech in 1810, will have little doubt of the *intermediate* source, at least, from which the Author of the Statement has taken his authority.—This is mentioned only as an additional presumption that the Author of the Statement had before him sufficient light to have avoided so tortuous a representation as he has been pleased to make of the *character* in which Sir J. H. acquitted those acts for which, on the Author's construction of the law, "*he should have been hanged on his return*;"—but which nevertheless were not passed over by others without that sort of recognition, which must ever carry with it the best reward of gratuitous services.

From the period when Mr. Fox brought forward his motion in Parliament on the subject of Catholic Claims, in 1805, Sir J. H. has been assailed by a variety of periodical and other publications on both sides of St. George's Channel, with a wantonness of abuse not a little

misplaced. Some considerable industry has been exerted to misrepresent his parliamentary conduct to his constituents. He is not conscious of having deviated, in his parliamentary course, from that line which is justified by the soberest conviction of his own judgment, and supported by the concurring authorities of the soundest and most eminent statesmen, as well as the most exemplary divines. In stating this, his attention is fixed upon that great state question, wherein a Pitt,—a Fox,—a Burke,—and a Windham, concurred with such Prelates as Bishop Watson,—Bishop Bathurst,—and others of the Episcopal Bench, who have recorded their opinions, and to whose great names may be added those able divines, Dr. Parr,* Dr. Butler, Dr. Maltby, and Dr. Valpy; divines sanctioned by the highest patronage and confidence to superintend and direct the education of the rising generation.—It is not for having thought, acted, and spoke, upon such a question in the full spirit of those luminaries of the Church and State, that Sir J. H. could feel inclined to take shame to himself, or to retract opinions thus corroborated!—Very different indeed are the sentiments with which, upon an occasion like this, he would meet the scrutiny of every candid inquirer. He may be allowed to say, with the venerable and enlightened Prelate under whose tutelary charge his own constituents are placed (Bishop Bathurst), that "without fear of contradiction, the judgment of four such men as

* The celebrated work of Dr. Parr, under the title of *Philopatris Varvicencis*;—the extended notes subjoined to Dr. Butler's Installation Sermon, at Cambridge;—and also to Dr. Valpy's Sermons and Essays; with some Tracts of Dr. Maltby, Vicar of Buckden, will be found of very interesting reference, in addition to the Diocesan Charges and Parliamentary Speeches of the Prelates above named.

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Mr. Burke, Mr. Pitt, Mr. Fox, and Mr. Windham, carries far more weight, *upon a question like this*, than the judgment of both the Universities, and indeed all the Divines who ever sat in Convocation under the dome of St. Paul's, or in the Jerusalem Chamber, to the present hour."——He may also exclaim with the same worthy Prelate, and with whom, from a very early period of his life, he has had the happiness to be connected in the closest friendship :— "Such are the leading articles of my creed;—a creed which I am now much too old to change; nor in truth, if I were given to change, do I know where to go for a better;—for one, I mean, better calculated to promote individual happiness, and at the same time, that public union of heart and hand, if not of opinion, which is so loudly called for, and, at the present very serious crisis, so much wanted:—that real, affectionate union, I mean, which is the very bond of peace, of perfectness; and an unassailable bulwark of security, prosperity, and permanency to, I believe, the purest ecclesiastical establishment, and the best form of civil government in the universe!" *—With these observations, and in reference to those official testimonies which could scarcely have escaped the eye of the Author of "*The Statement*," when he himself referred to Mr. Betham's publication, Sir J. H. will repeat what had been before observed upon an occasion not dissimilar; that "in the discussion of a question which is of importance in proportion as it involves a great measure of state polity, rather than a mere justification of the sentiments or conduct of individuals, the concurring testimonies of statesmen and other eminent public characters, though tinctured with much flattering personal allusion, may be allowably introduced."

* Vide Bishop of Norwich's Speech in House of Lords, 1811.

Extract of a letter from the Right Honourable Sir William Hamilton, K. B. Envoy Extraordinary and Minister Plenipotentiary at the Court of Naples, dated July 13, 1793.

——" What you did, in taking upon yourself to negotiate " with the Pope, was certainly well judged; I should have " been greatly distressed if Lord Hood's fleet had come here " a month ago, for we had not a sufficiency of corn for our- " selves."

Extract of a letter from the Right Honourable Sir William Hamilton, K. B. &c. &c. dated Naples, April 14, 1795.

" I am concerned, that your private affairs should call you " from Italy at so interesting a crisis, when the continuance " of your patriotic and disinterested exertions, which have " already been of so much public benefit, might still mate- " rially contribute to the advantage of his Majesty's service. " I have great satisfaction in expressing my personal obliga- " tions for your constant and useful communications; and I " can say, with truth, that their Sicilian Majesties and their " Ministers are not less impressed with their value, &c."

Extracts of letters from Lord Viscount Hood, Commander in Chief in the Mediterranean, dated Victory, Toulon Road, 7th Oct. 1793.

" You were very good in anticipating my wants; I have " now to provide for 10,000 troops, and all the inhabitants of " Toulon, not one of whom, I believe, has tasted animal food " for several weeks.—In all my letters home, I have expressed " how much I felt myself obliged to the Pope for the readiness " which his Holiness manifested in furnishing me with what- " ever supplies his dominions afforded."

From Lord Hood, dated Toulon Road, Oct. 14, 1793.

——" As the enemy has cut off the water from all the " mills, the inhabitants of Toulon are in great want of flour, " which leads me to desire, that you will cause this circum- " stance to be made known to the Pope, with my humble

" request, that his Holiness will be pleased to grant permis-
" sion to export, from Civita Vecchia, as much flour as can be
" spared without distressing his own subjects."

Extract of a letter from his Excellency Lord Minto, Viceroy of Corsica, dated Bastia, May 22, 1795.

" If you are still at Rome, your departure seems so near,
" that I need say nothing of business, farther than thanking
" you, most sincerely and cordially, for all the assistance you
" have given me, and all the labour, which has been immense
" and indefatigable, you have bestowed on this as well as
" other interests of the Public. You carry with you the
" praise and industry of zeal beyond most, if not all public
" men."

From Monsignor Barberi, Chief Secretary of the Congregation of State, (consisting of the Cardinal Secretary of State, and five Cardinals, Chiefs of the Departments of the Government).

Vatican, le 26 Mai, 1795.

" Instruite du prochain départ de Mr. Hippisley de cette
" capitale pour Londres, la sacrée Congrégation d'état a cru
" que la justice et la bonne foi demandoient qu'à l'exemple
" du Saint Père lui-même, * qui lui a donné les plus éclatantes
" preuves de la satisfaction qu'il avoit de la conduite qu'il a
" tenue, soit en particulier, soit en traitant diverses affaires
" très-graves, la sacrée Congrégation lui fit offrir, aussi en
" son nom, un témoignage permanent de la sienne.

" Elle m'a chargé à cet effet, en qualité de son Secrétaire,
" d'assurer Mr. Hippisley de l'admiration sincère avec la-
" quelle elle a vu la perspicacité qu'il a fait éclater dans ses
" Négociations, et la manière dont il a heureusement réussi à

* Sir J. H. on quitting Rome, received letters from the late Pope Pius VI. and from each of the Cardinals of the C. of State, nearly to the same effect as the official letter of the Secretary.

" faire connoître et procurer les communs intérêts des deux " Nations, et à établir une bonne harmonie entre la cour de " Rome et la cour Britannique.

" Mr. Hippisley peut juger par-là combien tout ce qu'il " a fait a été agréable à la sacrée Congrégation, quelle pro- " fonde reconnoissance elle fait profession d'avoir pour lui, et " avec quelle juste confiance elle espère que par-tout, et dans " toutes les occasions, il voudra bien continuer à agir d'après " les mêmes principes, et chercher à resserrer toujours de " plus les liens de réciproque intérêt et de correspondance " amicale qui unissent aujourd'hui les deux dites cours et les " deux nations.

" En m'acquittant par ce respectueux billet du devoir qui " m'a été imposé par la sacrée Congrégation, je regarde " comme un bien grand avantage pour moi de pouvoir y " joindre l'hommage des sentimens de la profonde estime, et " de l'invariable dévouement avec lesquels je fais profession " d'être de Mr. Hippisley

Le très humble, très sincère, et
dévoué Serviteur,
GIO. BARBERI.

M. M. Hippisley, Memb. du Parl. Brit.

Extract of a letter from the Right Honourable Lord Grenville, Secretary of State for the Foreign Department, dated Oct. 29, 1793.

" I think it my duty to take this opportunity of returning " you my thanks for the exertions made by you in the public " service.—The motives which induced you to act in the " manner you did, in consequence of the applications made " to you, cannot be mistaken; and the consequences of the " steps taken by you on this important occasion*, will, I am

* In reference to the supplies obtained from the Government of Rome for the British fleet and troops in the Mediterranean.

" persuaded, be of material advantage to his Majesty's ser-
" vice."

From his Grace the Duke of Portland, Secretary of State for the Home Department, dated Whitehall, April 24, 1796.

" My dear Sir,

" I have great pleasure in obeying the King's " commands, by acquainting you with His Majesty's gra-
" cious intentions to confer upon you, forthwith, the dignity " of a Baronetage, as a mark of His gracious acceptance of " the many services you have rendered to your Country.

" To me, who have been a witness of several of the meri-
" torious transactions in which you have been concerned, " and which have procured you this honourable testimony of " Royal favour, and who have had the pleasure of hearing " from my Colleagues, and those under whose eye they have " been particularly displayed, the many and important in-
" stances in which your zeal and abilities have equally ren-
" dered themselves conspicuous, it cannot but be a very great " satisfaction to find myself the instrument, by which His " Majesty is pleased to convey to you, and to the public, " this distinguished token of the Royal approbation.

" I am,

" With great truth and regard, &c.

" PORTLAND."

From the Roman Catholic Metropolitan Prelates of Ireland, assembled in Dublin, dated Dublin, Dec. 4th, 1800.

Sir,

The R. C. Prelates of Ireland are not unacquainted with the manifold instances of your good-will towards them and their brethren in other parts of the empire. With a benevolence peculiar to yourself, you have espoused their

cause in the worst of times, and omitted no opportunity of testifying the warm interest which you take in all their concerns:—You have stood forth as the advocate of our brethren in Scotland, when all human prospects seemed closed for them—You were the medium of an intercourse of amity and correspondence between our beloved Sovereign and the Supreme Pastor of our Church. Through your exertions, our national establishments in the capital of the Christian World, are at the eve of being fully restored to their original destination.—Such signal proofs of kindness command our esteem, and call forth our warmest gratitude. Permit us, therefore, to offer you, in the name of all the R. C. Bishops of Ireland, the tribute of our united acknowledgments.—We have the honour to be, in perfect truth,

Sir,

Your most obedient and faithful Servants,

RICHARD O'REILLY, R. C. Metropolitan of Armagh.
THOMAS BRAY, R. C. Metropolitan of Cashell.
JOHN-THOMAS TROY, R. C. Metropolitan of Dublin.
EDWARD DILLON, R. C. Metropolitan of Tuam.

Sir J. C. Hippisley, Bart. M. P.

From the Administrators of the Funds of the Clergy of the Roman Communion in Scotland, consisting of the R. C. Bishops, &c. dated Aberdeen, 26th August, 1801.

We, the administrators of the Funds of the Scotch R. Catholic Clergy, have long been sensible of the great obligations you have laid us under, and wished for an opportunity of testifying our gratitude. We are now met, according to custom, with our bishops, for the first time since we felt the effects of your kindness, and are happy to be the organs of the whole body of Roman Catholic Clergy of Scotland in transmitting to you the sentiments of all.

Bishops Hay and Chisholm laid before the meeting the whole of their correspondence with you; and you will easily

conceive with what satisfaction we saw, as it were at one glance, your generous and benevolent perseverance in promoting our interest.

We consider Divine Providence as making use of the goodness and humanity of your heart to relieve our very pressing necessities; and find ourselves moved, by the strongest impulse of gratitude, to return you our sincerest thanks for what you have done. Permit us therefore, Sir, to do it in this public manner, and to beg that you will add to former favours, and to the great trouble you have already taken, that of assuring the Noble and Illustrious Persons of his Majesty's Ministry, who have been pleased to consider our necessities, and (in the midst of the greatest public pressures) so graciously to relieve them, of our heartfelt gratitude.

Let them know, Sir, that, as we have always considered it one of *the first of our duties to entertain in ourselves, and to propagate among others, sentiments of loyalty to His Majesty's sacred person, and of attachment to our happy constitution*; we shall consider ourselves as henceforth bound by a new tie to fulfil the same duty.

We beg of God to be your and their eternal reward, and long to preserve the life of one whom we justly consider as a generous and disinterested friend; and permit us, honoured Sir, to look upon ourselves as your clients, committed to your protection by the Author of all good!

We have the honour to be, &c. &c.

(Signed, by appointment of the General Meeting,)

JOHN CHISHOLM, Preses. V. A.

REM. MAC DONALD, Sec.

To Sir J. C. Hippisley, Bart. M. P.

Such are the documents opposed to the description, given by the Author of "*the Statement*," of that individual, who "*ventured to apply to the Court of Rome for* "*a supply of provisions for the British fleet.*"—They have, indeed, been called for by considerations chiefly of

a personal nature, but not unconnected with the general subject, and, in a candid view of all the circumstances, admissible, and perhaps fully justified.—A similar propensity was not resisted by a great authority of ancient times, "*Dicam etiam de me*," said the Roman Orator, "*multorum ab exemplo et clarorum virorum.*"

In reference to the general subject itself, and to the ignorance and prejudice with which it is unfortunately encompassed, on all sides, the just observation made by a foreign writer, with the salutary admonition which it inculcates, cannot but be advantageously recollected by Protestants and Catholics alike.—It is prefixed to a work of *D. Joseph de Seabra de Sylva, Procurator General of the Court of Portugal*, written by authority of the King, with a view to disabuse the public mind, and to detect and guard against the encroachments of the Court of Rome on the *temporal* rights of Sovereign States. The Title "Deducção Chronologica, e Analytica, &c. —Lisboa, 1768."

NULLA PESTIS GRAVIOR EST REGNIS, REBUSQUE PUBLICIS, QUAM IGNORANTIA: NAM CUM IN POPULIS HÆC DOMINATUR, ANIMOS HOMINUM FURORE SIC INTERDUM EXAGITAT, UT RATIONI PENITUS VALDE CONTRADICAT. NIHIL PACTA, CONVENTIONES, AUT LEGES CURAT; SUO TANTUM FERTUR ARBITRIO, BENE GERENDARUM RERUM TRISTIS, ATQUE IGNARA.

Salzedo in Commentariis ad Leges 32, 33, *Tit. VII. Libr. I.*

—With this impressive observation these Notes are concluded.

J. Brettell, Printer, Marshall-Street, Golden-Square, London.